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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE SESSION HELD IN THE

TWENTY-SEVENTH AND TWENTY-EIGHTH YEARS OF THE
REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Nineteenth day of February, in the year
of Our Lord One Thousand Eight Hundred and Sixty-four.

~~~~~  
**RESERVED ACT.**  
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**HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.**

QUEBEC:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1865.

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Rec. Sept. 14, 1896.



ANNO VICESIMO-SEPTIMO & VICESIMO-OCTAVO

VICTORIÆ REGINÆ.

CAP CLXXV.

An Act for the relief of James Benning.

Reserved for the signification of Her Majesty's pleasure, 30th June, 1864.

The Royal Assent given by Her Majesty in Council on the 1st November, 1864 ; and Proclamation thereof made by His Excellency the Right Honorable CHARLES STANLEY, VISCOUNT MONCK, Governor General, in the Canada Gazette of the 3rd December, 1864.

WHEREAS James Benning, of the City of Montreal, Auctioneer and Commission Merchant, hath, by his petition, humbly set forth that on the twenty-second day of September, one thousand eight hundred and fifty-three, he was married to Janet Mary Leslie ; that they lived and cohabited together as husband and wife up to about the first day of October, one thousand eight hundred and sixty-three, when he discovered that she had been leading an irregular life, and had been committing adultery with several persons named in the evidence within the three years next preceding that date ; that thereupon the said Janet Mary Leslie left the house of the said James Benning, and has ever since continued to live apart from him ; that they had agreed to live separate and apart for the rest of their lives, and that he the said James Benning had made provision for the subsistence of the said Janet Mary Leslie ; that there was no surviving issue of their said marriage ; that said Janet Mary Leslie had by her conduct dissolved the Bond of Matrimony on her part ; that said James Benning had taken measures to establish judicially the adulterous correspondence of said Janet Mary Leslie, and was ready to prove the allegations of his said petition ; wherefore he humbly prayed that the said marriage might be dissolved so as to enable him to marry again, and that such further relief might be afforded him as might be deemed fit ; And whereas the said James Benning, hath since procured judgments against the said several persons for their said adulterous conversation with said Janet Mary Leslie, and hath made proof of the adultery above mentioned, and it is expedient that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice of

Preamble.

of the Legislative Council and Assembly of Canada, enacts as follows:—

Marriage and marriage contract to be void henceforth.

1. The said marriage between the said James Benning and Janet Mary Leslie, his wife, is and shall be henceforth null and void to all intents and purposes whatsoever, as well as the marriage contract executed between the said James Benning and said Janet Mary Leslie, before Isaac Jones Gibb and his colleague, Notaries, on the twenty-first day of September, one thousand eight hundred and fifty-three.

A certain provision for subsistence to be valid.

2. The provision made by the said James Benning for the subsistence of the said Janet Mary Leslie, by settlement in the hands of Trustees, under Deed of trust in triplicate, dated the thirtieth day of April, one thousand eight hundred and sixty-four, is confirmed and made valid according to the terms and tenor thereof; and any agreements made or to be made in respect of such subsistence shall be valid notwithstanding the passing of this Act.

Benning may marry again.

3. It shall and may be lawful for the said James Benning, at any time hereafter, to contract Matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized.

And the issue of such marriage to be legitimate, and to have certain rights.

4. In case of the said James Benning again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said James Benning and Janet Mary Leslie had not intermarried, and having any issue born to him, the said issue so born shall be and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said James Benning and Janet Mary Leslie had not taken place.

QUEBEC :—Printed by MALCOLM CAMERON, Law Printer to the Queen's Most Excellent Majesty.

STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE SESSION HELD IN THE
TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Nineteenth day of January, in the year
of Our Lord One Thousand Eight Hundred and Sixty-five.



HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1865.



ANNO VICESIMO-OCTAVO

VICTORIÆ REGINÆ.

CAP. I.

An Act for the prevention and repression of outrages in violation of the Peace on the frontier of this Province, and for other purposes.

[Assented to 6th February, 1865.]

WHEREAS it is expedient to provide for the due security of the Peace and tranquillity of this Province by temporary enactment: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. When and so often as the Governor of this Province shall have reason to believe from information given to him or to the Secretary of the Province, in writing, by any person subscribing his or her name and address thereto, that for the preservation of the peace and tranquillity of this Province, it is expedient to remove therefrom any alien or aliens who may be in this Province, or who may hereafter arrive therein, it shall be lawful for the Governor by order under his hand to be published in the *Canada Gazette*, to direct that any such alien or aliens, who may be within this Province, or who may hereafter arrive therein, shall depart this Province, within a time limited in such order; and, if any such alien shall knowingly and wilfully refuse or neglect to pay due obedience to such order, or shall be found in this Province, contrary to such order, after such publication thereof as aforesaid, and after the expiration of the time limited in such order, it shall be lawful for the Governor, or for any Justice of the Peace, to cause every such alien to be arrested and to be committed to the common gaol of the county, district or place where he or she shall be so arrested, there to remain, without bail or mainprize, until he or she shall be taken in charge for the purpose of being sent out of the province, under the authority hereinafter given.

Power to Governor to order aliens to depart from this Province.

If aliens wilfully refuse to obey such order, they may be committed to gaol, until taken in charge for the purpose of being sent out of the Province.

2. Every such alien so knowingly and wilfully refusing or neglecting to pay due obedience to any such order as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof,

Penalty on aliens disobeying such order.

thereof, shall, at the discretion of the court, be adjudged to suffer imprisonment for any time not exceeding one month for the first offence, and not exceeding twelve months for the second and any subsequent offence.

Aliens neglecting to obey order may be given in charge by warrant of Governor to be conveyed out of the Province.

If in the Winter season.

When any alien shall allege any excuse for not complying with order, Governor in Council to judge of sufficiency of the same.

Alien to be detained until the question is decided.

Governor to cause a summary of matters alleged against alien to be delivered to him, &c.

Alien may call witnesses, &c.

3. It shall be lawful for the Governor in any case in which any alien shall be found in this Province after the expiration of the time limited in such order, and whether he or she shall or shall not have been arrested or committed for refusal or neglect to obey such order, or convicted of such refusal or neglect, and either before or after such alien shall have suffered the punishment inflicted for the same, by warrant under his hand and seal, to give such alien in charge to any person or persons to whom he shall think proper to direct such warrant in order to such alien being conveyed out of the Province, and such alien shall be so conveyed accordingly; Provided always that in case such alien shall be taken in charge as aforesaid, after the close of the navigation of the River Saint Lawrence in the winter and before its opening in the spring, then and in any such case the said alien may, should the Governor see fit, be detained in safe custody until one month after the opening of such navigation; And provided further, that where such alien (not having been convicted as aforesaid) shall allege any excuse for not complying with such order, or any reason why the same should not be enforced, or why further time should be allowed him or her for complying therewith, it shall be lawful for the Governor in Council, to judge of the sufficiency of such excuse or reason, and to allow or disallow the same either absolutely or on such condition as he shall think fit; and where such alien shall be in custody under such warrant of the Governor, the person in whose custody he or she shall be, forthwith upon its being signified to him that such excuse or reason is alleged by such alien, shall make known the same to the Governor, who, upon receiving such notification, or in any case in which he shall be informed that any such excuse or reason is alleged by or on behalf of any alien to quit the Province, shall forthwith suspend the execution of such Warrant until the matter can be enquired into and determined by the Governor in Council; and such alien, if in custody under any such Warrant, shall remain in such custody, or if not in custody may be given in charge by any such Warrant as aforesaid, and shall remain in custody until the determination thereon shall be made known, unless in the meantime the Governor shall consent to or the Governor in Council shall make order for the release of such alien either with or without security; Provided always, that the Governor shall cause to be delivered to such alien, in writing, a general summary of the matters alleged against him or her, and shall allow him or her reasonable time to prepare his or her defence; and it shall be lawful for him or her to summon and examine upon oath witnesses before the said Governor in Council, and to be heard before them by himself

himself or herself, or his or her Counsel, in support of the excuse or reason by him or her alleged.

4. In every case in which power is given by this Act to commit any alien to Gaol without Bail or Mainprize, it shall be lawful for any Justice of any of Her Majesty's Superior Courts in this Province, if upon application made he shall see sufficient cause, to admit such person to bail, he or she giving sufficient security for his or her appearance to answer the matters alleged against him or her.

Judges may admit aliens to Bail in all cases if they see sufficient cause.

5. Where any alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the purpose of being sent out of the Province, shall not be sent out of the Province within one month after such commitment, or when taken in charge after the closing of the navigation of the river Saint Lawrence as aforesaid then within one month after the opening of such navigation, it shall in every such case be lawful for any of the justices of any of Her Majesty's Superior Courts in this Province or for any Police Magistrate or any Recorder of a City, or for any two of Her Majesty's Justices of the Peace in any part of the Province, or for any Judge of the Sessions of the Peace in Lower Canada, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application had been given to the Governor, according to his or their discretion, to order the person so committed to be continued in or discharged out of custody.

Where alien shall not have been sent out of the Province within certain period after commitment, Judges, &c., empowered, where application has been made, to continue such alien in or discharge him out of custody.

6. Nothing in the preceding clauses of this Act shall affect any alien, under the age of fourteen years, or who shall have been residing within this Province for five years next before the passing of this Act.

Act not to apply to aliens under fourteen years.

7. If any person shall within this Province begin or set on foot, or provide or prepare the means for, or shall within this Province engage, aid or assist, or procure another person or other persons to engage, aid or assist in the beginning or setting on foot, or in the providing or preparing the means for, any military expedition, raid or enterprise, to be carried on from thence against the territory or dominions of any Foreign State, or against the lives, liberties or properties of any one or more of the inhabitants of any territory or dominions of any Foreign State, with whom Her Majesty is at peace, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding three thousand dollars, and imprisoned for a term not exceeding three years.

Punishment for setting on foot or aiding or assisting an expedition against a Friendly Power.

8. It shall be lawful for any Justice of the Peace upon request in writing of the Attorney General or Solicitor General of

Vessels armed for hostilities against a

Friendly
Power or arms
&c., may be
seized.

of Upper Canada, or of any County Attorney in Upper Canada, or of the Attorney General or Solicitor General of Lower Canada, in Lower Canada, (or for any Recorder of a City or Police Magistrate in this Province, or for any Judge of the Sessions of the Peace in Lower Canada, without such request,) to cause to be seized and detained any vessel manifestly built or arranged or fitted out for warlike purposes and about to depart this Province, of which the cargo shall principally consist of arms or munitions of war, when the number of men shipped on board or other circumstances, shall render it probable that such vessel is intended to be employed to cruise or commit hostilities upon the subjects, citizens or property of any Foreign State with which Her Majesty is at peace, and also to cause to be seized and detained any vessel or any arms or munitions of war, which may be provided or prepared for any military expedition, raid or enterprise against the territory or dominions of any Foreign State with which Her Majesty is at peace, and to retain possession of the same until the decision of the Governor be had thereon, or until the same shall be released as hereinafter directed.

Sheriffs, &c.,
required to seize
any vessel,
&c., and arms,
&c., about to
pass the Fron-
tier of Canada
for any place
within a Fo-
reign State,
where there is
probable cause
to believe that
such vessel,
arms, &c.,
are inten-
ded to be em-
ployed in car-
rying on a
military expe-
dition against
any Foreign
State, at Peace
with Her
Majesty, and
detain such
vessel, &c.

Proviso.

9. Any Sheriff, Collector of Customs, County Attorney, Police Magistrate, or Recorder of a City in this Province, any Judge of the Sessions of the Peace in Lower Canada, or any Field Officer or Captain of Her Majesty's Service, or any Field Officer or Captain of the Volunteer Militia Force, or of the Service Militia (such Field Officer or Captain of the Volunteer Militia Force or of the Service Militia being at the time on Actual Service,) or any other person specially empowered for the purpose by the Governor, shall be and he is hereby authorized and required to seize or cause to be seized any vessel or vehicle, and all arms or munitions of war about to pass the frontier of this Province for any place within any Foreign State, where the character of the vessel or vehicle and the quantity of arms and munitions of war or other circumstances shall furnish probable cause to believe that the said vessel or vehicle, arms or munitions of war, are intended to be employed by the owner or owners thereof, or any other person or persons, in carrying on any military expedition, raid, enterprise or operations, within the territory or dominions of any Foreign State with whom Her Majesty is at peace, and detain the same until the decision of the Governor be had for the restoration of the same, or until such property shall be discharged by the judgment of a Court of competent jurisdiction; provided that in case such seizure shall be made by a Police Magistrate, Recorder of a City or Judge of the Sessions of the Peace, he shall, with due diligence, issue his warrant to justify the detention of the property so seized, on an oath or affirmation in the manner required by the next section of this Act.

Officer making
such seizures
shall apply to

10. It shall be the duty of any Officer, other than a Police Magistrate, Recorder of a City in this Province, or Judge of the

the Sessions of the Peace in Lower Canada, making any seizure under the ninth section of this Act, to make application with due diligence to any one of the Justices of any of the Superior Courts of this Province, or to any Police Magistrate or to the Judge of the County Court of the County in which such seizure may be made, or to the Recorder of any City, in which the seizure may be made, or to any Judge of the Sessions of the Peace in Lower Canada, for a warrant to justify the detention of the property so seized, which warrant shall be granted only on oath or affirmation shewing that there is probable cause for believing that the property so seized is intended to be used in a manner contrary to the provisions of this Act, and if no such warrant shall be issued within ten days after any such seizure, the said property shall be restored to the owner, but if such warrant shall be issued, then the property seized shall be detained by the officer until the Governor shall order it to be restored, or until discharged by due course of law.

Superior or County Judges, &c., for a warrant to be granted on oath, &c., to justify the detention of the property seized.

11. The owner or claimant of any property seized under the eighth and ninth sections of this Act in Upper Canada, may file his petition, setting forth the facts of the case, in any of the Superior Courts in Upper Canada, or in the County Court of the County in which such seizure was made; and the owner or claimant of any property seized under the said sections in Lower Canada may file his petition in the Superior Court or Circuit Court of Lower Canada, setting forth the facts of the case, and thereupon such Court shall proceed with all convenient despatch, after causing due notice to be given to the officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this Act; and the Superior, Circuit and County Courts shall have jurisdiction, and are hereby vested with full power and authority to try and determine all cases which may arise under the said sections of this Act; and in Upper Canada all issues of fact, arising under it shall be decided by a Jury, in the manner now provided by law.

Owner of property seized may file his petition to Superior or County Court, &c., where seizure made; and power given to Court to try case, &c.

12. Whenever the officer making any seizure under the ninth clause of this Act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration and failed to obtain it, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the judge granting the warrant or refusing restoration, with a condition that the property when restored shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any such military expedition, raid, enterprise or operations as aforesaid, and thereupon the said officer, so detaining the said property, shall restore the same to the owner or claimant thus giving bond; Provided that such restoration shall not prevent seizure

Whenever the officer shall have obtained a warrant for the detention of property seized, or the claimant shall not have obtained its restoration by petition, claimant may file a Bond, &c.

Provided.

seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this Act.

Venue may
be laid in any
County or
District.

13. It shall not be necessary to lay the venue in any prosecution under this Act in the County or District where the offence was committed, but the information may be laid and the offence may be tried in any County or District in this Province.

Justices, &c.,
may issue war-
rants for
searching
for and
seizing arms
or munitions of
war about to
be employed in
any military
operation, &c.

14. It shall be lawful for any Justice of the Peace upon request in writing of the Attorney General or Solicitor General of Upper Canada, or of any County Attorney in Upper Canada, or of the Attorney General or Solicitor General of Lower Canada, or for any Judge of the Sessions of the Peace in Lower Canada, or for any Recorder of a City or Police Magistrate in this Province, without such request and upon information upon oath of one or more credible witness or witnesses, that he or they believe that any arms or munitions of war are, for the purpose of being employed in any military expedition, raid, enterprise or hostile operations beyond the frontier of this Province, or for any purpose dangerous to the public peace within this Province, in the possession of any person or persons, or in any house or place, or that any person or persons is or are concerned or engaged in the manufacture of any arms or munitions of war, to issue his warrant to any Constable or other Peace Officer to search for and seize such arms or munitions of war, in the possession of any such person or in any such house or place; and it shall be lawful for any such Constable or other Peace Officer, acting under any such warrant or any other person or persons in his or their aid or assistance, to search for and seize any such arms, or munitions of war being in the possession of any such person, or in any such house or place as aforesaid; and in case admission into such house or place shall be refused or not obtained within a reasonable time after it shall have been demanded, to enter by force, by day or by night, into every such house or place whatsoever, and to detain or cause to be detained in safe custody, in such place as the said Justice of the Peace or other Officer by whom such warrant was granted shall appoint and direct, the arms or munitions of war found and seized as aforesaid, unless the owner thereof shall prove to the satisfaction of such Justice, or officer by whom such warrant was granted that such arms or munitions of war were not kept for any or either of the purposes aforesaid.

Search.

Proceedings in
case admission
is refused.

Appeal to
Court for
restoration of
same.

15. It shall be lawful for any person from whom any such arms or munitions of war shall be so taken as last aforesaid, in case the Justice of the Peace or Officer upon whose Warrant the same shall have been taken, shall, upon application made for that purpose, refuse to restore the same, to apply by petition for the restoration of the same in the manner hereinbefore provided in the eleventh Section of this Act, and the Court in

in which any such petition has been filed, or any Judge thereof, shall make such order for the restoration or safe custody of such arms or munitions of war, as shall upon such petition appear to be proper.

16. Nothing in this Act shall be construed to interfere with any law in force in this Province respecting the *Writ of Habeas Corpus*. This Act not to interfere with *Habeas Corpus*.

17. The word "arms," shall be held to mean and include any weapon or weapons or portions of any weapon or weapons or arms, and any thing necessary for the ordinary use and any ordinary or necessary appendage of any weapon or weapons or arms, or munitions of war or for the carriage or transport of any weapon or weapons or arms or munitions of war. Interpretation of word "arms."

18. The word "munitions of war" shall be held to mean as well any weapon or weapons or arms, and any portion or portions of any weapon or weapons or arms, and any thing necessary for the ordinary use and any ordinary or necessary appendage of any weapon or weapons or arms, or for the carriage or transport of any weapon or weapons or arms or munitions of war, as also all ammunition and substances employed in the manufacture or composition of ammunition, gunpowder, shot, shell or materials for encasing the same or forming ingredients thereof, or used therewith, and all or any inflammatory, combustible or explosive article or articles, substance or substances, and all or any inflammatory combustible or explosive missiles or machines, and all or any thing or things necessary or requisite for the use, and any ordinary or necessary appendages of any arms or munitions of war. Interpretation of words "munitions of war."

19. This Act shall continue in force for one year from the passing thereof, and until the end of the then next Session of Parliament. Duration of Act.

C A P. II.

An Act to facilitate the conviction and punishment of persons enticing Her Majesty's subjects to enter any foreign service, contrary to the provisions of the Foreign Enlistment Act.

[Assented to 18th March, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. If any person whatever in this Province, shall hire, retain, engage or procure, or shall attempt or endeavor to hire, retain, engage or procure any natural-born subject of Her Majesty, person or persons whatever, to enlist, or to enter or engage to enlist, How persons enticing others to enlist or engage in the warlike service of a foreign

state, or to commit any offence against Sect. 2 of the foreign enlistment Act may be prosecuted and punished summarily.

enlist, or to serve or to be employed, in any warlike or military operation in the service of or for or under or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of a province or people, either as an officer, soldier, sailor or marine, or in any other military or warlike capacity,—or to commit any other offence whatever against the provisions of the second section of the Act of the Parliament of the United Kingdom, passed in the fifty-ninth year of the Reign of King George the Third, chapter sixty-nine, and intituled : “ An Act to prevent the enlistment or engagement of His Majesty’s subjects to serve in foreign service, and the fitting out or equipping, in His Majesty’s dominions, vessels for warlike purposes, without His Majesty’s license, ”—such offender may be prosecuted either in the manner provided by the said Act, or in a summary manner before any Judge of the Superior Court for Lower Canada, or any Judge of either of the Superior Courts of Common Law for Upper Canada, or any Judge of a County Court, Recorder, Judge of the Sessions of the Peace or Police Magistrate, or before any two Justices of the peace for the district or county where the offence shall have been committed, and if convicted of such offence on the oath of one or more credible witness or witnesses, may be condemned to pay a penalty of two hundred dollars, with costs, and may be committed to the Common Gaol of the District, County, or City, for a period not exceeding six months at hard labour, and, if such penalty and costs be not forthwith paid, then for such further time as the same may remain unpaid ; and such penalty shall belong, one half to the prosecutor and one-half to Her Majesty for the public uses of the Province.

Limitation of suit.

2. No prosecution shall be commenced by virtue of this Act more than one year after the commission of the offence.

C A P. I I I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1865, and for certain other purposes connected with the Public Service.

[Assented to 18th March, 1865.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by Messages from His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada,

Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province not otherwise provided for, for the remainder of the present financial year, and for the first quarter of that next ensuing, and other purposes connected with the Public Service :—May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that—

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied, a sum not exceeding in the whole three millions, three hundred and eighty thousand dollars, for the several purposes mentioned in the schedule to this Act. \$3,380,000 appropriated.

2. The due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct. Application to be accounted for.

3. A detailed account of the moneys expended under the authority of this Act, shall be laid before the Legislative Assembly of this Province, during the first fifteen days of the Session of the Provincial Parliament next after such expenditure. Accounts to be laid before the Legislative Assembly.

SCHEDULE.

Sums granted to Her Majesty by this Act and the purposes for which they are granted.

For the completion of the several services of the Government, not otherwise provided for, for the remainder of the Financial year, ending 30th June, 1865, and for the first quarter of the year ending 30th June, 1866,	\$2,000,000 00
For the permanent Defence of the Country....	1,000,000 00
For the Frontiér Force.....	330,000 00
To make good the sum improperly surrendered in the case of Young and others claimed by the Government of the United States under the Extradition Treaty.....	50,000 00
Total.....	<u>\$3,380,000 00</u>

CAP. IV.

An Act to continue, for a limited time, the several Acts therein mentioned.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of Canada, 10, 11 Vic., cap. 1.

Acts of L. C., 2 G. 4, cap. 8.

Laprairie.

2 G. 4, cap. 10.
La Baie St. Antoine.

4 G. 4, cap. 26.

2 G. 4, cap. 32.
Fief Grosbois.

Continued to end of Session after 1st Jan., 1866.

Acts of Canada, 7 Vic. cap. 10.
Bankrupts.

1. The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the public health of the City may be endangered*; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled: *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled: *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled: *An Act to authorize the Chairman and Trustees of the common of the Seigniorie of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same*; the Act of the said parliament, passed in the ninth year of the same Reign, and intituled: *An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled: 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of St. Maurice, to make regulations for the common of the said Fief;'* and all and every of the said Acts are hereby continued, and shall be in force from the passing of this Act until the first day of January, one thousand eight hundred and sixty-six, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: *An Act to repeal an Ordinance of Lower Canada, intituled: 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled:

intituled : *An Act continue and amend the Bankrupt Laws, now in force in this Province*, in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled : *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*; and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled : *An Act to afford relief to Bankrupts in certain cases*," shall respectively be and they are hereby revived and continued, and shall be in force for the purposes aforesaid from the passing of this Act until the said first day of January, one thousand eight hundred and sixty-six, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

9 Vic. cap. 30.

12 Vic. cap. 18.

13, 14 Vic., cap. 20.

Continued for certain purposes only.

3. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session or during any other Session that may be held during the present year, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Act not to prevent effect of any Act of this sessions, &c.

4. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled : *An Act to amend the Acts passed to remedy certain defects in the Registration of titles in the County of Hastings*, as that within which it shall be lawful for the Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled : *An Act to remedy certain defects in the registration of titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled : *An Act to alter and amend an Act, intituled : 'An Act to remedy certain defects in the registration of titles in the County of Hastings, in Upper Canada,'* or to endorse any deed, conveyance, will or probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty-six, and thence until the end of the then next ensuing Session of the Provincial Parliament and no longer.

Period limited by 12 Vic. cap. 97.

9 Vic. cap. 12.

10, 11 Vic. cap. 33.

Extended to end of Session after 1st Jan., 1866.

C A P . V .

An Act respecting Ocean Mail Service.

[Assented to 18th March, 1865.]

Preamble.
Agreement
with Hugh
Allan, recited.

WHEREAS an Agreement was entered into on the Eighth day of December, in the year of Our Lord, one thousand eight hundred and sixty-three, between Hugh Allan, Esquire, Merchant, residing in the city of Montreal, of the first part, and the Honorable Oliver Mowat, of the city of Quebec, Postmaster General of Canada, acting therein for and on behalf of Her Majesty's Government in this Province, of the second part, whereby the said Hugh Allan did promise and engage amongst other things to keep up a regular line of Steamers between the Port of Liverpool and the Port of Quebec or Montreal, and between the Ports of Liverpool and Portland, and that during the continuance of the contract, the said Hugh Allan shall be bound to carry by each trip of the said steamers such mails as may be given to him, or to the officers in charge of his vessels as in the said contract mentioned, which agreement contains certain terms, conditions, and stipulations respecting the performance of the same, and whereas it is by the said agreement covenanted and agreed between the said parties thereto that it shall be at the option of the Government of Canada to put an end to the said contract, and render the same null and void at any time, should the terms and conditions thereof not be fairly fulfilled and carried out in their true and honest meaning, and that without being obliged to have recourse to Law, but that the said contract shall not be voidable by the Government so long as the terms and conditions of it are fairly fulfilled and carried out in their true and honest meaning, and that the right of the Government to annul the same for any cause shall, after the first of April, one thousand eight hundred and sixty-five, be decided on by some tribunal having jurisdiction in such matters, if such there be, or by any tribunal which may be created or appointed by Parliament for this purpose, and that such tribunal shall decide summarily and without appeal by the said Hugh Allan, and may for the sake of expedition and substantial justice, dispense with the forms and rules of procedure applicable to other cases; And whereas it is desirable that a tribunal should be created or appointed for the purposes in the said contract as hereinbefore recited set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in Council may create a tribunal for deciding whether the said agreement has been faithfully carried out.

1. The Governor in Council may at any time after the first day of April in the year one thousand eight hundred and sixty-five, by commission under the Great Seal, create a tribunal or court to decide summarily and without appeal by the said Hugh Allan, whenever and so often as the same may be submitted for adjudication by the Postmaster General for the time

time being, whether the terms or conditions of the said contract of the eighth day of December in the year one thousand eight hundred and sixty-three, between the said Hugh Allan and the Honorable Oliver Mowat, Postmaster General of Canada, have been and are fairly fulfilled and carried out in their true and honest meaning; and may thereby appoint one of the Judges of any of the Superior Courts of Upper Canada, and one of the Judges of the Court of Queen's Bench of Lower Canada to constitute the said tribunal or court, and may assign a place for the meeting of the same; and the said court may dispense with the forms and rules of procedure applicable to cases pending before the Superior Courts of Upper Canada or the Court of Queen's Bench for Lower Canada, and the decision of the said court shall be final and conclusive.

Constitution
and powers
of such tri-
bunal.

C A P . V I .

An Act respecting the Weighing, Measuring and Gauging of certain Articles of General Consumption.

[Assented to 18th March, 1865.]

WHEREAS it is desirable to provide for the weighing, measuring and gauging of certain articles of general consumption in this province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

BOARDS OF EXAMINERS.

1. At any time after the passing of this Act and during the year one thousand eight hundred and sixty-five, and thereafter on such day annually as the Boards of Trade hereinafter mentioned may respectively annually fix for that purpose, the Council of the Board of Trade for each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton and London, and of any other city in and for which there may then be a Board of Trade, shall appoint five skilful persons, resident in or in the immediate vicinity of the city for which they are appointed, to constitute the Board of Examiners of applicants for the office of Weigher, Measurer and Gauger, or Assistant Weigher, Measurer and Gauger, for the period of one year, to commence from such date as the said Boards of Trade respectively shall determine; and each Examiner shall, before acting as such, take the following oath of office before the President or Vice-President of the Board of Trade for the place for which he is appointed:

Appointment
of Examiners
by Boards of
Trade.

To take an
oath of office.

"I, A. B., do swear that I will well and truly in all things act as examiner of applicants for the office of Weigher, Measurer and Gauger, or assistant weigher, measurer and gauger"

The Oath.

"and

Where to be kept.

“and as arbitrator under the Act respecting the weighing, measuring and gauging of certain articles of general consumption, without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God.” Which oath shall remain in the office and custody of the Secretary of the Board of Trade.

Quorum.

2. Any three of such examiners shall form a quorum of the Board, and may do any act which the Board could legally do.

Examiners not removable.

3. The said Examiners shall not be removable by the Council of the Board of Trade by which they are appointed; but in case of vacancy by the death, or removal of any Examiner beyond the immediate vicinity of the city for which he is appointed, the Council of the Board of Trade may appoint another in his stead, to hold office during the remainder of the period for which such deceased or removed Examiner was appointed, and the person so appointed shall take the oath of office before the President or Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary as aforesaid.

Vacancies, how filled.

Oath of office.

Examination of candidates.

4. The Board of Examiners, or a quorum thereof, shall examine all applicants for the office of Weigher, Measurer and Gauger, or Assistant Weigher, Measurer and Gauger, and shall recommend to the Council of the Board of Trade, as eligible for appointment, those only whom they consider perfectly qualified for the office of Weigher, Measurer and Gauger, or Assistant Weigher, Measurer and Gauger, as the case may be, distinguishing for which of the said offices they consider the applicant as qualified.

APPOINTMENT OF WEAHERS, MEASURERS AND GAUGERS.

Appointment of Weigher, Measurer and Gauger.

5. The Council of the Board of Trade for each such city as aforesaid shall appoint a Weigher, Measurer and Gauger for such city from among those certified to them by the Board of Examiners as qualified for the office.

Weigher, Measurer and Gauger to be sworn.

6. Every Weigher, Measurer and Gauger, before he acts as such, shall take and subscribe an oath before the President or Vice President of the Board of Trade, in the words following :

The oath.

“I, A. B., do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office and duty of weigher, measurer and gauger, that I will not, directly or indirectly, by myself or by any other person or persons whomsoever, trade or deal in any articles subject to weight, or measurement or gauging under the Act respecting the weighing, measuring and gauging of certain articles, according to the rules of the Board of Trade for the time being, or be connected in any such trade during the time I shall continue as
“such

"such weigher, measurer and gauger. So help me, God." Where to be
And the said oath shall remain in the office and custody of kept.
the Secretary of the Board of Trade.

7. Before any Weigher, Measurer and Gauger shall act as such, he shall furnish two good and sufficient sureties, each of whom shall be bound jointly and severally with such Weigher, Measurer and Gauger for the due performance of the duties of his office, in the sum of one thousand dollars; and such sureties shall be subject to approval by the President of the Board of Trade, to whom the penalty of the bond shall be made payable, and the bond shall remain in the office of the Board of Trade, and shall avail to all persons aggrieved by any breach of the conditions thereof.

Weigher,
Measurer and
Gauger to
give security.

Where the
Bond shall be
kept, &c.

8. Every Weigher, Measurer, and Gauger appointed under this Act shall appoint one or as many more assistants as the Council of the Board of Trade may from time to time direct, for the acts of which assistants he shall be responsible; and all acts done by an assistant Weigher, Measurer and Gauger shall be held to be the acts of the Weigher, Measurer and Gauger who appointed him; but each such assistant must, before his appointment, have been examined and approved by the Board of Examiners, and shall take and subscribe the same form of oath, *mutatis mutandis*, as the Weigher, Measurer and Gauger appointed under this Act, before the President or Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary of the Board of Trade.

Appointment
of Assistants.

They must be
approved and
sworn.

9. The Assistant Weighers, Measurers and Gaugers shall be paid by the Weigher, Measurer and Gauger, and shall hold their office at his pleasure; and no such Weigher, Measurer and Gauger shall allow any person to act for him about the duties of his office, except his sworn assistant or assistants, appointed as aforesaid.

How paid, re-
moved, &c.

10. Every oath of office taken and bond given under this Act shall be kept open to public inspection, and every person shall be entitled to have communication or to have a copy of any such oath or bond, upon payment of twenty-five cents for such communication, and ten cents for any such copy.

Oaths and
bonds to be
open to the
public.

11. The Council of the Board of Trade may remove any Weigher, Measurer or Gauger and appoint another, if it be satisfactorily shewn to such Council that the duties of the office are not properly performed.

Removal of
Weigher,
Measurer and
Gauger.

12. Every Weigher, Measurer and Gauger, or assistant to such, who, directly or indirectly, trades or deals in any of the articles mentioned in the oath in the sixth section of this Act, shall be forthwith removed from office.

Weighers,
Measurers and
Gaugers not
to deal in cer-
tain articles.
Penalty.

DUTIES OF WEIGHERS, MEASURERS AND GAUGERS.

Their duties,
&c.

13. The duties of every Weigher, Measurer and Gauger appointed under this Act shall be to determine and certify the weight, measure or contents of all cargoes, packages, bales, chests, parcels, kegs, barrels, boxes, pieces or articles, the contents of which may be subjected to weighing, measuring or gauging, under this Act, by virtue of the rules and regulations of the Board of Trade for the time being, and which may be submitted to him for such purpose, in conformity to the standards hereinafter prescribed.

Weigher,
Measurer and
Gauger's
office.

14. The Weigher, Measurer and Gauger shall provide himself with an office in some place in the city for which he is appointed, convenient for business, and shall keep a record of all articles weighed, measured or gauged by him, which shall be open to the public.

Fees.

15. For every such weighing, measuring and gauging as aforesaid the persons requiring the same shall pay to the Weigher, Measurer and Gauger, the fees payable for the service performed, under the tariff made by the Board of Examiners, as hereinafter provided, and then in force.

Certificate to
be furnished.

16. As soon as any of the aforesaid articles have been so weighed, measured or gauged as aforesaid, a certificate thereof shall be furnished by the Weigher, Measurer and Gauger, or his assistant, without fee or reward, specifying the weight, measure or contents (as the case may be) of the cargo, package, bale, chest, parcel, keg, box, barrel, piece or article, so weighed, measured or gauged, and the tare, if any, and the charges for such weighing, measuring or gauging, and also specifying the marks and numbers, if any, on such package, bale, chest, parcel or barrel.

Effect of
Certificate.

17. Every such certificate as aforesaid shall be received in all Courts of Justice in this Province as *prima facie* evidence of the contents, measure, or weight of the articles to which the same refers.

FEES, DISPUTES, &c.

Tariff of fees
to be made.

18. The Board of Examiners, or a quorum thereof, shall make a tariff of fees for the several services which may be required of the Weigher, Measurer and Gauger under this Act, and may from time to time, as circumstances may require, remodel and alter such tariff; and shall and may make and promulgate all necessary rules and regulations to be observed in carrying out the provisions of this Act, and shall from time to time regulate and ordain the articles to be subject to this Act, being articles of general use and consumption, and may from time to time alter, annul and amend such rules and regulations;

Rules and re-
gulations.

regulations ; but such tariff of fees, rules and regulations shall nevertheless require the approval of the Board of Trade before they take effect ; and the said Board of Examiners shall be a Board of Arbitrators to decide all disputes arising between a Weigher, Measurer and Gauger, and any party employing him, regarding the weight, measure, or contents of any articles submitted to him for such purpose.

Examiners to be arbitrators in disputes.

19. If any dispute arises between a Weigher, Measurer and Gauger, or his assistant, and the owner and possessor of any articles submitted for weight, measurement or gauging, as to their weight, measurement, or contents, then, upon application by either of the parties to the Secretary of the Board of Trade, the said Secretary shall forthwith summon a meeting of the Board of Examiners, who shall immediately examine such article and report their decision as to its weight, measurement, or contents, and such decision made in writing, shall be final and conclusive ; the parties against whom the arbitrators decide shall pay all charges incurred about the arbitration, and the arbitrators shall fix the amount of such charges, and the Weigher, Measurer and Gauger shall, in his certificate conform to the decision of the Board of Arbitration.

Proceedings in case of disputes.

Costs.

20. Nothing in this Act shall oblige any person to cause any articles mentioned in this Act, or subject thereto, to be weighed, measured or gauged ; but if so weighed, measured or gauged, they shall be subject to the provisions of this Act.

Act not compulsory.

21. The standards of weights and measures to be used by any Weigher, Measurer and Gauger, or his assistant appointed under this Act, shall be in conformity with the provisions in that behalf of chapter fifty-three of the Consolidated Statutes of Canada, chapter fifty-eight of the Consolidated Statutes for Upper Canada, and chapter sixty-two of the Consolidated Statutes for Lower Canada.

Standards.

22. In every city, town or village municipality in this Province wherein no Board of Trade may exist, it shall and may be lawful for the Municipal Council thereof, if they so determine, to exercise all the powers and privileges herein given and conferred on the Boards of Trade for the purposes of this Act.

Municipal Councils may act where no Board of Trade.

23. Any person who shall, under this Act, submit for weight, measurement or gauging any barrel, cask, parcel, bale, package, chest, box, piece, or any other article, so made and constructed as to mislead or deceive in the weight, measurement or gauging, according to the usual practice, or in the tare (if any) of such barrel, cask, parcel, bale, package, chest, box, piece, or article, shall be liable to a penalty of twenty dollars, to be recovered before any Court having jurisdiction in civil cases to the amount of such penalty, by any person suing, as well in his

Penalty for offering fraudulent packages.

Application
of penalty.

own behalf as on behalf of Her Majesty ; and one moiety of such penalty shall belong to the Crown, for the uses of the Province, and the other moiety to the party suing for the same, unless the suit be brought (as it may be) on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty, for the uses aforesaid.

CAP. VII.

An Act to establish the validity of acts performed in Canada by certain Clergymen ordained in Foreign Parts, and for other purposes.

[Assented 18th March, 1865.]

Preamble.

WHEREAS, by the Third Section of an Act of the Imperial Parliament, passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled : "An Act to empower the Archbishop of Canterbury or the Archbishop of York, for the time being, to consecrate to the office of Bishop persons being subjects or citizens of countries out of His Majesty's dominions," it was, in effect, enacted that no person or persons admitted to the order of Deacon or Priest, by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishop or Bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within His Majesty's dominions ; and whereas, from its having been apprehended that divers persons so admitted to such order of Deacon or Priest, had exercised their respective offices within divers British Colonies, and that the validity of their acts so performed, and even the power of Colonial Legislatures to give validity thereto, were doubtful, it was afterwards, in effect, enacted by another Act of the Imperial Parliament, passed in the Session held in the twenty-sixth and twenty-seventh years of Her Majesty's Reign, intituled : "An Act to establish the validity of acts performed in Her Majesty's possessions abroad, by certain clergymen ordained in Foreign Parts, and to extend the powers of Colonial Legislatures with respect to such Clergymen," that the Legislature of any such Colony might authorize any such persons to exercise their respective offices therein, anything in the aforesaid Act to the contrary notwithstanding ; and that all acts theretofore performed in any British Colony by any person having been admitted to the office of Priest or Deacon by any of such Bishops as aforesaid, or of their successors, should be as valid and effectual at law, for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Acts of persons
ordained
by Bishops in

1. Any persons admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act,

Act, and having obtained the license to that end of the Bishop of any Diocese within this Province, of the United Church of England and Ireland, may exercise their respective offices as such within this Province; and their acts so performed shall be as valid and effectual at law for all purposes whatever, as if such persons had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

Foreign Parts and who have obtained licenses from Bishops in the Province, to be valid.

2. All acts heretofore performed within this Province by any person having been admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act, shall be as valid and effectual at law for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

Acts heretofore performed by them declared valid.

CAP. VIII.

An Act to define the right of property in Swarms of Bees, and to exempt them from seizure in certain cases.

[Assented to 18th March, 1865.]

WHEREAS it is expedient to fix and define the right of property in Bees, and to exempt them from seizure in certain cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Bees living in a state of freedom shall be the property of the person discovering them, whether or not he be proprietor of the land on which they shall have established themselves.

Bees in a state of freedom to be the property of their discoverer.

2. Bees reared and kept in hives, shall be private property, and as such shall, to the extent of fifteen hives, be exempt from seizure for debt or for the discharge of any liability whatsoever, save and except the amount of their purchase money.

But if reared in hives to be private property.

3. Whenever a swarm of Bees shall leave a hive the proprietor may reclaim them, so long as he can prove his right of property therein, and shall be entitled to take possession of them at any place on which they may settle, even if such place be on the land of another person, unless the swarm settles in a hive which is already occupied, in which case the proprietor shall lose all right of property in such swarm; Provided, however, that he shall notify the proprietor of such land beforehand and compensate him for all damages.

Rights of proprietor in case of bees abandoning their hives.

Proviso.

4. Any unpursued swarm which shall lodge on any property whatsoever, without settling thereon, may be secured by the first comer unless the proprietor of the land objects.

Unpursued swarms.

In case the owner declines to follow his bees.

5. If the proprietor of a swarm of Bees declines to follow such swarm, and another person undertakes the pursuit, such other person shall be substituted in the rights of the proprietor, and every swarm which is not followed shall become the property of the proprietor of the land on which it shall settle, without regard to the place from which it shall have come, and any person removing such swarm in his absence, and without his consent, shall be guilty of theft.

C A P. IX.

An Act to remove doubts as to the limits of certain Counties in Lower Canada.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS from the fact of their omission from the Consolidated Statutes, doubts have arisen as to the validity of certain Acts establishing separate municipalities, and of other Acts relating to the boundary lines of counties in Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Laws establishing separate Municipalities to remain in force though omitted from Con. Stat.

1. The Act establishing the Municipality of the Parish of St. Antoine de l'Isle-aux-Grues as a separate municipality, and the Act fixing the South-western limits of the County of Montmagny, that is to say, the Act passed in the twenty-second year of Her Majesty's reign (session of 1859) chapter eight, and the Act passed in the same year of Her Majesty's reign (session of 1858), chapter eleven, are, and have always been in force, notwithstanding their omission from the Consolidated Statutes of Canada and the Consolidated Statutes for Lower Canada.

Addition to electoral division of city of Three-Rivers.

2. From and after the passing of this Act, all that portion of the Parish of Three Rivers, from the south line of the Township of St. Maurice to the River St. Lawrence, shall be held to form part of the electoral division of the City of Three Rivers.

C A P. X.

An Act to explain chapter seventy-five of the Consolidated Statutes for Lower Canada and to declare certain Islands to be in the County of Verchères for all purposes.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Island of St. Thérèse and the other Islands attached to the former Seignior of St. Thérèse, have always formed part of the Parish of Varennes, in the County of

of Verchères ; and whereas the Island of Beauregard has also always formed part of the Parish of Verchères, in the County of Verchères aforesaid ; And whereas, for the avoidance of doubts, it is expedient to declare the said several Islands to be, and to have been, within the County of Verchères for all purposes : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It is hereby declared and enacted that the said Islands, mentioned in the Preamble, form, and have always formed, part of the County of Verchères, for all Electoral, Municipal and Registration purposes. Certain Islands to belong to County of Verchères.

CAP. XI.

An Act to amend the Act twenty-seventh and twenty-eighth Victoria, chapter twenty, respecting the appointment of Magistrates in remote parts of the Province.

[Assented to 18th March, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The first section of the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intituled : *An Act to amend the one hundred and first chapter of the Consolidated Statutes of Canada, respecting the appointment of Magistrates in remote parts of the Province*, is hereby repealed, and the following is substituted therefor, and shall be taken as the first section of the said Act, which shall be construed and have effect accordingly : Section 1 of 27 and 28 V. c. 20 repealed and new section substituted.

“ Whenever any vessel belonging to Her Majesty's Navy is in the Gulf or River St. Lawrence, every officer attached or belonging to such vessel, and holding the Commission of Vice-Admiral, Post-Captain, Captain or Commander in Her Majesty's Navy, and any Lieutenant in such Navy, having the command of any such vessel, shall be *ex officio* a justice of the Peace in and for the districts of Gaspé, Saguenay and Rimouski, while such vessel remains within the limits of that part of the Province of Canada called Lower Canada, and shall have all the powers and authority conferred on any Justice of the Peace named under the provisions of the Act above cited, and shall enjoy the exemptions made by the said Act as to residence and property qualification, nor shall it be necessary for them to take any oath of office.” Certain officers of Her Majesty's ships in Gulf and River St. Lawrence to be justices of the Peace ex officio.

CAP. XII.

An Act to amend Chapter one hundred and nine of the Consolidated Statutes for Lower Canada respecting Houses of Correction, Court Houses and Gaols.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is expedient to amend Chapter one hundred and nine of the Consolidated Statutes for Lower Canada, and to make better provision for the payment of the percentage which the Sheriff is authorized to receive out of moneys levied by him or by any Bailiff, under a writ of execution in any civil case: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sec. 15 of Con.
Stat. L. C. cap.
109, amended
as to collection
of Sheriff's
percentage.

1. Sub-section five of section fifteen of chapter one hundred and nine of the Consolidated Statutes for Lower Canada is hereby repealed, and the following substituted in lieu thereof:

"5. One per centum upon all moneys levied by the Sheriff of the District, or by any Bailiff residing therein, under execution in any civil case; such percentage to be retained by the Sheriff or Bailiff out of the sum returned into Court, and payable to each party collocated in and by the judgment of distribution."

CAP. XIII.

An Act to amend Chapter Sixty-eighth of the Consolidated Statutes for Lower Canada, respecting Mutual Insurance Companies.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is expedient to make provision as to the manner in which Mutual Insurance Companies may, in case of necessity, cease their operations and wind up their affairs: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

General Meet-
ing to consi-
der the affairs
of the Com-
pany.

1. From and after the passing of this Act, the Directors of any Mutual Insurance Company, legally established and in operation in the said Province, may, at any time and when they think it necessary and to the advantage of the members of the said Company, call a general meeting of all the members thereof to consider and decide whether it is necessary and expedient, in view of the condition of its affairs, to dissolve the Company and wind up its affairs.

2. Such meeting shall be called by an advertisement bearing the signature of the Secretary of the Company, and indicating the purpose for which the meeting is called, and the place and time at which it will be held, inserted six times within the space of two consecutive weeks, in two newspapers, one in the French and the other in the English language, published at the place where the business of the Company is transacted, or as near thereto as may be, and by a circular letter addressed and posted to every member of such Company.

How meeting shall be called.

3. At such meeting the majority of the members present, in person or by proxy, shall decide whether the Company shall continue to carry on business, or whether the operations of the Company shall be stopped and its affairs wound up.

Majority to decide as to continuance or suspension of business.

4. If it be decided that the affairs of the Company shall be wound up, it shall be the duty of the Directors to fix a day upon which all the policies then in force shall cease to be so, and to notify the members of the Company thereof by a notice signed by the Secretary of the Company, and published and circulated to every member of the Company, in the same manner as is hereinbefore provided for the calling of the general meeting.

Notification to be given as to the lapsing of the policies.

5. From and after the day so fixed by the Directors for the annulling of such policies of insurance, and after all the aforesaid formalities shall have been fulfilled, such policies shall lapse and be annulled, and thereafter the responsibility of the persons assured, on deposit notes or otherwise, shall cease and determine, and shall be limited to debts already incurred and to those necessarily and indispensably incurred in order to wind up the affairs of the Company.

Responsibility of persons assured to cease on lapsing of policies.

6. The Directors, or three of them, who are by this Act declared to be a quorum to control and manage the affairs of the Company until its extinction, may, and special power is hereby given them to that effect, at a regular meeting called for the purpose, and after the day fixed for the lapsing of the policies, fix and establish the rate of assessment that will be necessary to pay off all debts whatsoever of the Company and all expenses necessary and indispensable to close, liquidate and wind up the affairs of the Company at the earliest possible period.

Assessment to pay debts.

7. The Directors of the Company shall notify the members thereof, in the same manner as is hereinbefore provided for the calling of the general meeting, of the time and place at which such assessment so made shall be payable; and such assessment shall bear interest at the rate of seven per centum per annum from the day upon which it shall become payable, that is to say, thirty days after such notice shall have been given, and until payment thereof, and shall be levied and recovered by

Notification and collection of assessment.

by such Directors in the usual manner provided by the laws at present in force respecting Mutual Fire Insurance Companies.

Directors to remain in office until the affairs are wound up.

8. The Shareholders present in person or by proxy at the general meeting provided for by the first section of this Act, shall have power to choose what persons shall be Directors for the purposes of this Act; and the persons so chosen shall remain in office until the entire and complete winding up of the affairs of the Company, and shall have the same rights and powers as they would have had if they had been elected as heretofore at an annual meeting of the members of the Company, and may do and execute all acts and things which may be necessary to carry this Act into effect.

C A P. XIV.

An Act to regulate the business of Stevedores and Liners in the Harbour of Montreal.

[Assented 18th March, 1865.]

Preamble.

WHEREAS the fifty-second chapter of the Statutes of this Province, passed in the twenty-sixth year of the Reign of Her present Majesty, provides for the appointment of a Port Warden for the Harbour of Montreal; and whereas to render such Act more beneficial and to provide for the proper stowage, dunnage and lining of vessels which are by the said Act subjected to the inspection of the said Port Warden, it is expedient to regulate the business of Stevedores and Liners exercising their calling in the Port and Harbour of Montreal; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Port Warden may license Stevedores or Liners.

1. The Port Warden of the Harbour of Montreal may, from time to time, give and grant to competent persons desiring to exercise the calling of Stevedore or Liner, within the Port and Harbour of Montreal, licenses or certificates to carry on either such calling within the limits aforesaid; provided, nevertheless, that every person to whom such license or certificate is granted shall be considered by such Port Warden a fit person to be so licensed, and shall, on being so licensed, sign an undertaking to abide by the directions of the Port Warden for the time being in the stowage, discharge, lining or dunnage of vessels within such limits as aforesaid.

Party licensed to sign undertaking to observe orders of Port Warden.

Fees on licenses.

2. For every license or certificate so granted as aforesaid, the Port Warden shall be entitled to demand and receive a fee to be fixed by the Board of Examiners under the said recited Act, such fee, however, not exceeding the sum of five dollars.

3. Every such license or certificate shall continue for the space of one year (unless revoked as hereinafter mentioned) ; and the said Port Warden shall keep in his office a register of all persons for the time being holding such license or certificate, such register to be open to public inspection gratuitously.

Duration of license.

Register.

4. The said Port Warden may from time to time revoke and annul or suspend any license or certificate previously granted under this Act to any person who, in the exercise of his calling, shall have wilfully disobeyed the orders and directions of the said Port Warden, or who shall be considered by the said Port Warden, in his discretion, from any cause not deserving of such license or certificate.

Revocation or suspension of license.

5. Every person who, by reason of the withholding from him, or the revocation or suspension of his license or certificate, shall consider himself aggrieved, may appeal to the Board of Examiners appointed under the said recited Act, who may confirm, revoke, or alter the decision of the said Port Warden ; and the decision of such Board shall be final, and no fee or charge shall be payable by the party so appealing.

Appeal to Board of Examiners.

Decision of Board to be final.

6. Nothing in the preceding section shall prevent the said Port Warden from granting a license or certificate to any person whose license or certificate may have been withheld, revoked or suspended, provided the said Port Warden shall, at any time thereafter, think fit to entertain the application therefor.

Parties whose licenses have been revoked may again be licensed.

7. Nothing in this Act contained shall interfere with or abridge the duties, liabilities and privileges imposed on and accorded to the said Port Warden and the Board of Trade by virtue of the said recited Act, or in any way impair the effect of such Act in any particular.

Act not to interfere with 26 Vic., cap. 52.

8. Nothing in this Act contained shall hinder or prevent any person from exercising the calling of Stevedore or Liner within the limits aforesaid without such license or certificate as aforesaid.

License not to confer exclusive rights.

9. This Act and the Act herein first cited shall be deemed Public Acts.

Public Acts.

C A P. X V.

An Act to amend Chapter Eleven of the Consolidated Statutes for Lower Canada, respecting Newspapers and other like Publications.

[Assented to 18th March 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The following paragraph shall be added to the tenth section of Chapter Eleven of the Consolidated Statutes for Lower

Addition to sec. 10 of cap.

Lower

11 Con. Stat.
L. C.

Lower Canada, respecting Newspapers and other like Publications, and shall be read as forming part of the said section :—

Persons selling newspapers, &c., in contravention of the Act to be deemed loose, idle and disorderly and punishable as such.

“ And any person selling, or delivering, or offering for sale, or exhibiting, or having in his possession, in any street, road, lane, market, or other place of public resort, any newspaper, pamphlet, or other paper with respect to which each and every the provisions of the law shall not have been complied with as required by this Act, and any person who shall, directly or indirectly, circulate or give publicity to any such newspaper, pamphlet, or other paper, shall be held to be a loose, idle and disorderly person, and a disturber of the public peace, and shall be arrested and tried, and, if convicted, punished in the manner provided by the seventh and tenth sections of chapter one hundred and two of the Consolidated Statutes for Lower Canada,” anything in the fourteenth section of the said Act to the contrary notwithstanding.

Judgment for damages for libel to carry *contrainte par corps*.

2. Whenever judgment shall be rendered for damages for libel in any suit in Lower Canada against any printer or publisher of any newspaper, pamphlet or any such paper as aforesaid, the plaintiff shall be entitled, after observing the formalities required by law, to have a *contrainte par corps* for the recovery of such damages and costs.

C A P . X V I .

An Act to extend the powers of the Local Municipality of St. Roch of Quebec South.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Municipal Council of the Parish of St. Roch of Quebec South have, by their petition, represented that it is advisable that certain additional powers should be conferred on the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Additional Powers conferred on the Municipality.
As to sale of liquors, &c.

1. From and after the passing of this Act, the Local Municipality of Saint Roch of Quebec South shall have power:

1. To prohibit and prevent the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale subject to such limitations as they shall consider expedient;

Licenses to sell liquor.

2. To determine under what restrictions and conditions, and in what manner, the Collector of Inland Revenue of the district shall grant licenses to shop keepers, tavern keepers, or others, to sell such liquors;

3.

3. To fix the sum payable for each such license ;—and such sum shall be received by the Local Municipality and shall form part of the funds thereof ;

To fix sum payable therefor.

4. To make regulations for the ordering and governing of all shop keepers, tavern keepers, or other retailers of such liquors, in whatever place they may be sold, in such manner as the Council deems proper and expedient for the prevention of drunkenness.

As to regulation of taverns, &c.

And no Collector of Inland Revenue shall grant any license for the sale of any such liquors aforesaid, in the said municipality, if such sale has been prohibited by by-law, or if a by-law determining the restrictions and conditions under which such licenses may be granted has been passed, otherwise than in conformity with the provisions thereof, provided a copy of such by-law has been transmitted by the Secretary-Treasurer to such Collector of Inland Revenue.

No license to be granted if sale of liquor prohibited.

2. The said Council shall also have power to make by-laws for the following objects :

Council may make By-laws:

1. For preventing accidents by fire, and for regulating the conduct of persons present at any fire within the Municipality ; and (among other by-laws for the same purpose), for regulating the mode of placing stoves or stove-pipes, and the length of such stove-pipes to project above the tops of houses, flues, furnaces or ovens, and the mode of keeping ashes ; for obliging proprietors or occupants of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of their chimneys ; for preventing any person from entering any stable, barn, shed or out-house, with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured ; for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or other metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable substances, to keep the doors thereof closed when not necessarily required to be open ;

For preventing accidents by fire.

2. For preventing any baker, potter or blacksmith, brewer, manufacturer of pot ashes or pearl ashes, or other manufacturer or person, from building or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the house or building in which, or in connection with which, such oven or furnace is placed ;

In relation to oven and furnace chimneys.

3.

As to charcoal
furnaces and
quick-lime.

3. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick-lime may be kept or deposited ;

For preventing
the discharge
of fire-works,
&c.,

4. For preventing persons from throwing up fire-works, setting off fire-crackers, discharging fire-arms, or lighting fires in the open air, in any of the streets or roads, or in the neighborhood of any buildings, groves or fences within the Municipality ;

For levying a
rate for the
purchase of
fire-engines,
&c.

5. To impose taxes on the rate-payers of the said Municipality to an amount sufficient for defraying, out of the funds of the Municipality, all such expenses as the Council deems just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ; and for organizing fire companies or hook and ladder companies ; and for the appointing of inspectors, charged with the execution of all such regulations as the council shall think proper to adopt in that behalf ;

For preventing
thefts and
depredations
at fires.

6. For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or ill-treats any member or Officer of the Council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he is invested, in virtue of any By-law made by the said Council ;

For giving
assistance to
persons in-
jured at fires.

7. For defraying, out of the funds of the Municipality, any expense incurred by the Council for assisting any person employed by such Council, who has received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who has lost his life at any fire ; and for granting rewards in money, medals or otherwise, to persons who have performed any meritorious action at any fire ;

As regards
pulling down
and destroy-
ing buildings
at fires.

8. For investing the members of the Council and such officers as shall be designated in such By-laws, with power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such member, or any such officer, deems it necessary to direct to be pulled down or destroyed, for the purpose of arresting the progress of any fire, and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such act ; provided always that every lot of land over five acres in superficies shall be exempt from taxation under the fifth, seventh and eighth subsections of this section.

Proviso, cer-
tain lands
exempt from
taxation.

Public Act.

3. This Act shall be deemed to be a public Act.

C A P .

CAP. XVII.

An Act to amend the Consolidated Statute respecting the Court of Chancery.

[Assented to 18th March, 1865.]

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Council and Assembly of Canada, enacts as follows :

1. The Court of Chancery in Upper Canada shall have the same jurisdiction as the Court of Chancery in England has, in regard to leases and sales of settled estates, and in regard to enabling minors, with the approbation of the Court, to make binding settlements of their real and personal estate on marriage; and in regard to questions submitted for the opinion of the Court in the form of special cases on the part of such persons, as may by themselves, their committees or guardians, or otherwise, concur therein. Jurisdiction of Court of Chancery in respect to leases, settled estates, estates of minors, and special cases.
2. The Court shall have the same equitable jurisdiction in matters of revenue as the Court of Exchequer in England possesses. Jurisdiction in matters of Revenue.
3. In all cases in which the Court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract or agreement, the Court, if it thinks fit, may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such manner as the Court may direct, or the Court may grant such other relief as it may deem just. Where jurisdiction exists in certain cases, Court may award damages, &c.
4. An Order or Decree for Alimony may be registered in any Registry Office in Upper Canada, and such Registration shall, so long as the Order or Decree registered remains in force, bind the estate and interest of every description which the defendant has in any lands in the County or Counties where such Registration is made, and operate thereon for the amount or amounts by such Order or Decree ordered to be paid in the same manner and with the same effect as the Registration of a charge of a life annuity, created by the defendant on his lands would; and such Registration may be effected through a certificate by the Registrar of the Court of such Order or Decree. Decree for Alimony may be registered in Registry Office, and thus bind Lands.
5. Where a commission of lunacy would have been heretofore necessary or proper, the Court in lieu thereof may, with or without the aid of a Jury (which the Court or a Judge thereof may As to proceedings in Lunacy.

Alleged Lunatic may require a Jury.

Verdict thereon.

may cause to be empanelled as in other cases) hear evidence and enquire into and determine upon the alleged lunacy, provided that the alleged lunatic shall have a right in such cases to demand that the enquiry be submitted to a jury, or the Court may order that the inquiry be had before any Court of Record, and every such inquiry, whether under a commission of lunacy, or before any such Court of Record, shall be confined to the question, whether or not the person who is the subject of the inquiry, is at the time of such inquiry of unsound mind and incapable of managing himself or his affairs, and the verdict rendered by a Jury shall in every case be returned unto the Court, certified by the Judge before whom the inquiry has been had, and shall be final as to the question on such inquiry, unless the same be set aside.

No traverse allowed but new Trial may be granted by Court.

6. Where any such inquiry is had by the Court, with or without the aid of a Jury or before a Court of Record, no traverse shall be allowed, but the Court, if dissatisfied with the finding of a jury, may, at the instance of any party who would be entitled to traverse an inquisition under commission of lunacy, direct a new trial or new trials from time to time upon application therefor made to the Court within three months from the time the verdict is rendered, or such further time as the Court, under special circumstances, may permit, and subject to such directions and upon such conditions as to the Court may seem proper, and the Court may order any such new trial to be had before the same Court in which the verdict was rendered or before any other Court.

Alleged Lunatic may be examined openly or privately as Judge directs.

7. On every such inquiry, the alleged lunatic, if he be within the jurisdiction of the Court, shall be produced and shall be examined at such times and in such manner either in open Court or privately before the Jury shall retire to consult about their verdict, as the presiding Judge may direct, unless the Court ordering such inquiry shall beforehand by order have dispensed with such examination.

As to rehearing and appeal.

8. Any order by a single Judge in a matter of lunacy, shall be subject to rehearing before the full Court, and any order of the full Court shall be subject to an appeal to the Court of Error and Appeal respectively within the same times and under the same conditions as in other cases in the said Court of Chancery, unless the said Court or a Judge thereof, shall otherwise order.

By whom the Court may order costs in Lunacy to be paid.

9. The Court may order the costs, charges and expenses of and incidental to the presentation of any petition for a commission of lunacy or any inquiry, inquisition, issue, traverse, or other proceeding in lunacy, to be paid either by the party or parties presenting such petition or prosecuting the same or such inquiry or other proceeding in lunacy, or by the party or parties opposing the same, or out of the estate of the alleged lunatic, or partly in one way and partly in another.

10. The seventy-third section of the said Act is amended by inserting therein immediately after the words "*sui juris*" the words "*or non compotes mentis.*" Amendment of Con. Stat. U. C. ch. 12, s. 73.

11 The Court shall have the same powers of regulating the practice in matters of lunacy and in all matters under this Act as in other cases within the jurisdiction of the Court. Court may regulate proceedings in Lunacy.

12. Where a defendant or respondent in any suit or matter is absent from the Province or cannot be found therein to be served, the Court may authorize proceedings to be taken against him according to the practice of the Court in the case of a defendant, whose residence is unknown, or in any other manner that may be provided or ordered, if the Court shall, under the circumstances of the case, deem such mode of proceeding conducive to the ends of justice. Mode of proceeding against absent defendant.

CAP. XVIII.

An Act to improve the Proceedings in Prohibition and on Writs of Mandamus in Upper Canada.

[Assented to 18th March, 1865.]

WHEREAS the filing a Suggestion of Record on application for a Writ of Prohibition is productive of unnecessary expense, and the allegation of contempt in a declaration in Prohibition filed before writ issued, is an unnecessary form ; and it is expedient to make some better provision for payment of costs in cases of prohibition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. It shall not be necessary to file a suggestion on any application for a Writ of Prohibition, but such application may be made on affidavit only ; and in case the party applying shall be directed to declare in prohibition before writ issued, such declaration shall be expressed to be on behalf of such party only, and not, as heretofore, on behalf of the party and of Her Majesty, and shall contain and set forth in a concise manner so much only of the proceeding in the Court below as may be necessary to shew the ground of the application, without alleging the delivery of a writ or any contempt, and shall conclude by praying that a writ of prohibition may issue ; to which declaration the party defendant may demur, or plead such matters, by way of traverse or otherwise, as may be proper to shew that the writ ought not to issue, and conclude by praying that such writ may not issue ; and judgment shall be given, that the writ of prohibition do or do not issue, as justice may require, and the party in whose favor judgment shall be given, whether on non-suit, verdict, demurrer or otherwise, shall be entitled to the costs attending the application and Application for prohibition may be made on affidavit only. If the application be directed to declare before the writ issues. Proceedings. Judgment.

Damages.

Costs.

and subsequent proceedings, and have judgment to recover the same ; and in case a verdict shall be given for the party plaintiff in such declaration, it shall be lawful for the jury to assess damages, for which judgment shall also be given, but such assessment shall not be necessary to entitle the plaintiff to costs.

Prohibition may be issued by a Judge in term time or in vacation.

2. And whereas a prohibition can only at present be obtained in term time, and it is expedient in that respect to amend the law, it is therefore enacted, that it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at Toronto, as well in term time as in vacation, to hear and determine applications for writs of prohibition, and to make such rules or orders for the issuing of such writs as might have been made by the Court, and all such rules or orders so made by any such Judge shall have the same force and effect as rules of Court for such purposes now have, and such writs shall be issued by virtue of such rules or orders as well in term time as in vacation ; provided always, that any rule or order made by any such Judge, or any writ issued by virtue thereof, may be discharged or varied or set aside by the Court on application made thereto by any party dissatisfied with such rule or order.

Proviso : His order may be set aside by the Court.

Act of 9th Queen Anne cited.

3. And whereas the provisions contained in a certain Act of Parliament passed in the ninth year of the reign of Queen Anne, intituled : *An Act for rendering the proceedings upon writs of Mandamus and Information in the nature of a Quo Warranto more speedy and effectual, and for the more easy trying and determining the rights of Offices and Franchises in Corporations and Boroughs*, relating to the writs of Mandamus therein mentioned, have been found useful and convenient, and the same ought to be extended to the proceedings on other such writs ; it is therefore enacted, that the several enactments contained in the said statute relating to the return of writs of Mandamus, and the proceedings on such returns, and to the recovery of damages and costs, shall be and the same are hereby extended and made applicable to all other writs of Mandamus, and the proceedings thereon, except so far only as the same may be varied or altered by this Act.

Its provisions extended to all other Writs of Mandamus.

Recital.

4. And whereas writs of Mandamus, other than such as relate to the offices and franchises mentioned in or provided for by the said Act made in the ninth year of the reign of Queen Anne, are sometimes issued to officers and other persons, commanding them to admit to offices, or to do or perform other matters, in respect whereof the persons to whom such writs are directed claim no right or interest, or whose functions are merely ministerial in relation to such offices or matters ; and it may be proper that such officers and persons should in certain cases be protected against the payment of damages or costs to which they may otherwise become liable :
it

it is therefore enacted, that it shall be lawful for the Court to which application may be made for any writ of Mandamus (other than such as relate to the said offices and franchises mentioned in or provided for by the said Act made in the reign of Queen Anne), if such Court shall see fit so to do, to make rules and orders, calling, not only upon the persons to whom such writ may be required to issue, but also all and every other persons having or claiming any right or interest in or to the matter of such writ, to shew cause against the issuing of such writ and payment of costs of the application; and upon the appearance of such other person in compliance with such rules, or in default of appearance after service thereof, to exercise all such powers and authorities, and make all such rules and orders, applicable to the case, as are or may be given or mentioned by or in any Act of Parliament for giving relief against adverse claims upon persons having no interest in the subject of such claims; provided always, that the return to be made to any such writ, and issues joined in fact or law upon any traverse thereof, or upon any demurrer, shall be made and joined by and in the name of the person to whom such writ shall be directed; but nevertheless the same shall and may, if the Court shall think fit so to direct, be expressed to be made and joined on the behalf of such other person as may be mentioned in such rules; and in that case such other person shall be permitted to frame the return, and to conduct the subsequent proceedings at his own expense; and in such case if any judgment shall be given for or against the party suing such writ, such judgment shall be given against or for the person or persons on whose behalf the return shall be expressed to be made, and who shall have the like remedy for the recovery of costs and enforcing the judgment as the person to whom the writ shall have been directed, might and would otherwise have had.

Court may make Rules and Orders, calling on all persons having interest in the matter of the writ to show cause against its issuing, &c.

Proviso: as to form of return of issues joined, on Demurrer, &c.

For or against whom judgment shall be given.
Costs.

5. In case the return to any such writ shall, in pursuance of the authority given by this Act, be expressed to be made on behalf of any other person as aforesaid, the further proceedings on such writ shall not abate or be discontinued by the death or resignation of, or removal from office of the person having made such return, but the same shall and may be continued and carried on in the name of such person; and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office or right of such person.

Case of death, resignation or removal, of persons making the return,—provided for.

6. And for making some further provision for the payment of costs on applications for Mandamus, it is enacted, that in all cases of application for any writ of Mandamus whatsoever, the costs of such application, whether the writ shall be granted or refused, and also the costs of the writ, if the same shall be issued and obeyed, shall be in the discretion of the Court, and the Court is hereby authorized to order and direct by whom and to whom the same shall be paid.

Costs to be in discretion of the Court.

Recital.

7. And whereas it is expedient that parties interested in the issuing of or in the proceedings upon writ of Mandamus shall be enabled in certain cases to have the judgments and decisions of the Courts of Queen's Bench and Common Pleas for Upper Canada respectively, in respect of the said writs and of the proceedings thereon, reviewed by the Court of Error and Appeal, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established ; and whereas no power or authority is now given to the person prosecuting a writ of Mandamus to demur to the returns to any such writ, so that the decision of the said Courts respectively as to the validity of such return could be reviewed by the Court of Error and Appeal ; for remedy thereof, it is enacted, that in all cases in which the person prosecuting any such writ heretofore issued or hereafter to be issued shall wish or intend to object to the validity of any return already made or hereafter to be made to the same, he shall do so by way of demurrer to the same, in such and the like manner as is now practised and used in the Courts hereinbefore mentioned respectively in personal actions ; and thereupon the said writ and return and the said demurrer shall be entered upon record in the said Courts respectively, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions in the said Courts respectively ; and the said Courts respectively shall thereupon adjudge either that the said return is valid in law, or that it is not valid in law, or that the writ of Mandamus is not valid in law ; and if they adjudge that the said writ is valid in law, but that the return thereto is not valid in law, then and in every such case they shall also by their said judgment award that a peremptory Mandamus shall issue in that behalf, and thereupon such peremptory writ of Mandamus may be sued out and issued accordingly, at any time after four days from the signing of the said judgment, and it shall be lawful for the said Courts respectively, and they are hereby required, in and by their said judgment, to award costs to be paid to the party in whose favor they shall thereby decide, by the other party or parties.

Form of objections to return.

Demurrer.

Proceedings thereon.

Judgment.

Peremptory Mandamus, if the Writ be good and the return bad.

Costs.

Appeal in error given to party aggrieved.

Proceedings thereon.

8. Whenever any such judgment as hereinbefore mentioned shall be given, or wherever issue in fact or law shall be joined upon any pleadings, and judgment shall be given thereon by any of the Courts aforesaid, it shall be lawful for any party to the record in any such case, who shall think himself aggrieved by such judgment, to deliver to the Clerk of the Crown of the Court whence the writ of Mandamus issued, a memorandum in writing entitled in the Court and matter and signed by the party or his attorney, alleging that there is error in law in the record and proceedings, and thereupon all subsequent proceedings shall, on the part of the Courts, officers and parties, be as nearly as may be the same and have the same effect as those required to be had and taken under the Act respecting the Court

Court of Error and Appeal, where a party to a cause alleging error in law, is desirous of appealing from the judgment of either of the said Superior Courts of Common Law to the Court of Error and Appeal.

9. No action, suit or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever, for or by reason of anything done in obedience to any peremptory writ of Mandamus issued by any Court having authority to issue writs of Mandamus.

Person obeying Writs of Mandamus indemnified.

10. The said Court of Error and Appeal for Upper Canada may make, and is hereby directed to make, from time to time and as often as they shall see occasion, such rules of practice in reference to the proceedings hereinbefore authorized, and the amount of bail to be taken, as the said Court may deem necessary to effectuate the intention of this Act in relation to the same respectively.

Court may make Rules of practice under this Act.

11. This Act shall apply only to Upper Canada.

Application of this Act.

C A P. X I X.

An Act to amend and extend the provisions of chapter thirty of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Interpleading.*

[Assented to 18th March, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The eighth section of chapter thirty of the Consolidated Statutes for Upper Canada, is hereby repealed.

Section 8 of cap. 30, Con. Stat. U. C., repealed.

2. The following section is substituted for and shall be read in lieu of the said eighth section hereby repealed:

New section substituted.

"In case any claim be made to any goods or chattels, or to any interest in any goods or chattels, taken or intended to be taken under an attachment against an absconding debtor, or under any proceedings under "The Insolvent Act of 1864," or in execution under any process issued by or under the authority of any of the said Courts, or to the proceeds or value thereof, or to the proceeds or value of any lands or tenements taken and sold under any such process, by any person, not being the person against whom such attachment or proceedings or execution issued, or by any landlord for rent, or by any second or subsequent judgment or execution creditor claiming priority over any previous judgment or execution, process or proceeding

In case of claims to goods taken in execution, Court on application of Sheriff may grant interpleader summons and order.

proceeding, then and in every such case, upon the application of the Sheriff (or other officer) to whom the writ is directed, made to the Court from which such writ or proceeding issued, or to any Judge having jurisdiction in the case, and either before or after the return of such process, or before or after any action has been brought against such Sheriff or other officer, such Court or Judge may, by rule or order, call before such Court or Judge as well the party who issued such process as the party making such claim, and may thereupon exercise for the adjustment of such claim, and the relief and protection of the Sheriff or other officer, all or any of the powers and authorities hereinbefore contained, and in case the claimant shall abandon his claim may order him to pay the Sheriff's costs of the application, and may further require either or both of the parties to give security for the costs of the Sheriff or other officer, relating to such proceedings and may order the money which forms the subject of the claim to be paid into Court by the Sheriff to await the result of the Interpleader issue, and may make such other rules and orders as appear just according to the circumstances of the case."

Pending proceedings not affected.

3. The repeal of the said eighth section of the said Act shall not affect any cause, matter or proceeding now pending in any Court of Law or Equity in Upper Canada, but the same may be continued under the said "Act respecting Interpleading" as amended by this Act.

Application.

4. This Act shall apply to Upper Canada only.

C A P. X X.

An Act respecting Police Magistrates.

[Assented to 18th March, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Appointment of Police Magistrates by commission under the great seal.

1. The Governor may, from time to time, appoint by Commission under the Great Seal, fit and proper persons to be and act as Police Magistrates within any one or more Districts in Lower Canada or within any one or more Counties in Upper Canada, or any Temporary Judicial District, or any Provisional Judicial District, in Upper Canada.

Such magistrates need not have property qualification or be resident within their districts.

2. It shall not be necessary for any Police Magistrate appointed under this Act to possess any property qualification or to be actually resident within any District, County or Counties or Temporary Judicial District or Provisional Judicial District, for which he may be appointed.

3.

3. The Police Magistrates appointed under this Act shall have, and exercise all the powers and authority, rights and privileges now by law appertaining to Police Magistrates of Cities (except as regards offences against Municipal By-laws and as regards other purely municipal matters) and all the powers and authority, rights and privileges appertaining to Justices of the Peace generally, and shall be subject in all respects, except when otherwise provided by this Act, to the requirements of the law regarding Police Magistrates and the office of Justice of the Peace.

Powers and authority to be exercised by them.

4. Every such Police Magistrate shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information within his jurisdiction, and perform such other duties as the Governor may from time to time prescribe and require.

They shall keep minutes of proceedings before them, &c.

5. All moneys arising from penalties, forfeitures and fines imposed by any such Police Magistrate, shall (if not directed by Law to be otherwise appropriated) be from time to time paid to such Police Magistrate, who shall account for the same, and pay over or disburse the moneys arising therefrom, at such times, in such manner and to such person or persons, as the Governor may from time to time direct.

Application of moneys from penalties, &c., imposed by them.

6. The Governor in Council may, from time to time, direct and authorize any Police Magistrate under this Act to appoint any one or more fit and proper persons to serve as Police Constables under and within the jurisdiction of such Police Magistrate, and such Police Magistrate may at his pleasure remove any such Police Constable; and every such Police Constable shall obey all the lawful directions, and be subject to the government of such Police Magistrate, and shall be charged with all the powers, rights and responsibilities which belong by law to Constables duly appointed.

Governor may direct the appointment of Constables to serve under the Magistrates.

7. If any Police Constable appointed under the authority of this Act, be guilty of any disobedience of orders, neglect of duty or of any misconduct as such Police Constable, and be convicted thereof before any Police Magistrate, or before any Justice of the Peace, he shall forfeit a sum to be fixed by such Police Magistrate or Justice, not exceeding forty dollars and costs, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months, unless such fine and costs be sooner paid; and any such person may be proceeded against by Indictment for any offence committed by him as Special Constable, but not both by Indictment and also under this Act for the same offence.

Punishment of Constables guilty of misconduct.

8. This Act shall continue in force for two years from the passing thereof and thence until the end of the then next session of Parliament.

Act to be in force for two years.

C A P .

C A P. X X I.

An Act to amend the Act respecting Attorneys.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is expedient to amend the Act respecting Attorneys in the manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Subsection 3 of
cap. 35 of
Con. Stat. U.
repealed, and

1. The third subsection of the second section of chapter thirty-five, of the Consolidated Statutes for Upper Canada, is hereby repealed, and the following subsection is substituted in lieu thereof:

New subsection
substituted.

“Any person who has been duly called to practise at the Bar of Upper Canada, or who has been duly called to practise at the Bar of any of Her Majesty’s Superior Courts, not having merely local jurisdiction in England, Scotland or Ireland, and has been bound by contract, in writing, to a practising attorney or solicitor in Upper Canada, to serve him as his clerk for three years.”

Effect of repeal
of said sub-
section.

2. The repeal of the said subsection shall not affect persons coming within its provisions who may be under articles at the time of the passing of this Act.

Subsection 1
of Sec. 3 re-
pealed.

3. The first subsection of the third section of the said Statute is hereby repealed, and the following subsection is substituted in lieu thereof:

New subsection.

“He has during the term specified in his contract of service duly served thereunder, and has during the whole of such term been actually employed in the proper practice or business of an attorney or solicitor by the attorney or solicitor to whom he has been bound at the place where such attorney or solicitor has continued to reside, during such term (or with his consent) by the professional agent of such attorney or solicitor in Toronto, for a part of the said term, not exceeding one year.”

Subsection 2
of Section 3
repealed.

4. The second subsection of the third section of the said Statute is hereby repealed, and the following subsection is substituted in lieu thereof:

New subsection.

“2. He has attended the sittings of the Court of Queen’s Bench or Common Pleas during at least two of the terms of such Courts, and has complied with the regulations of the Law Society in that behalf.”

5. The fourth subsection of the third section of the said Statute is hereby repealed, and the following subsection is substituted in lieu thereof : Subsection 4
of Section 8
repealed.

“ 4. At least fourteen days next before the first day of the term in which he seeks admission, he has left with the Secretary of the Law Society his contract of service, and any assignment thereof and affidavits of the execution of the same respectively, and his own affidavit of due service thereunder, and a certificate of the attorney or solicitor to whom he was bound, or his agent as aforesaid, of such due service, and a certificate of his having attended the sittings of the court or courts during two terms as hereinbefore provided, and (in the case of a person who has been called to the Bar or taken a degree as hereinbefore mentioned) a certificate of his having been so called to the Bar or taken such degree or a duly authenticated certified copy of such certificate.” New Subsec-
tion.

6. The fifth section of the said Statute is hereby repealed, and the following section is substituted in lieu thereof : Section 5 re-
pealed.

“ 5. In case the contract of service, assignment, (if any) affidavits and certificate of due service, or any of them, cannot be produced, then, on application to be made to the Law Society, by a petition verified by affidavit, to be left with the secretary of the society, at least fourteen days next before the first day of the term on which the applicant seeks admission, the society on being satisfied of such fact may, in their discretion, dispense with the production of such contract, assignment, affidavits and certificate of due service, or any of them, and may, notwithstanding such non-production, grant the certificates provided for in the tenth Section of this Act.” New Section.

7. The Law Society may, upon being satisfied that the applicant for admission has really and *bond fide* served and been actually employed in the manner in the said amended Act, and in this Act specified under articles for the term of five years or shorter term required by this or the said amended Act, as the case may be, in their discretion and in accordance with rules to be established by them, with the approbation of the visitors, grant the certificates provided for the tenth section of the said amended Act, although the terms or conditions by this or the said amended Act required have not been strictly complied with. Law Society
may grant
certificate in
certain cases.

8. The eleventh section of the said Statute is hereby repealed, and the following section is substituted in lieu thereof : Section 11 re-
pealed.

“ 11. Whenever any person has been bound by contract, in writing, to serve as a clerk to an attorney or solicitor, such contract with the affidavit of execution thereof annexed thereto, shall New Section.

shall within three months next after the execution of the contract be filed with one of the Clerks of the Crown and Pleas at Toronto, who shall endorse and sign upon such contract and affidavit a memorandum of the day of filing thereof, and every assignment of such contract, together with an affidavit of the execution thereof annexed thereto, shall be filed in like manner within the like period of three months next after the execution thereof."

Section 12 repealed.

9. The twelfth section of the said Statute is hereby repealed, and the following section is substituted in lieu thereof :

New Section.

" 12. In case such contract or assignment, (as the case may be) with the affidavit of execution annexed thereto, be not filed within three months after the date of the contract or assignment, the same may nevertheless be filed with either of the officers before mentioned, but the service of the clerk shall be reckoned only from the date of such filing, unless the Law Society in its discretion shall for special reasons in any particular case otherwise order."

Section 57 repealed.

10. The fifty-seventh section of the said Statute is hereby repealed, and the following section is substituted in lieu thereof :

New Section.

" 57. If any attorney or solicitor, or any member of any firm of attorneys or solicitors, either in his own name or in the name of any member of his firm, practises in either of the Courts of Queen's Bench, Chancery or Common Pleas, without such certificate being taken out by such attorney and solicitor, and by each member of his firm, he shall forfeit the sum of forty dollars, which forfeiture shall be paid to the Treasurer of the Law Society for the uses thereof, and may be recovered in either of the said Courts of Common Law."

C A P. XXII.

An Act for the punishment of Persons selling Liquor without License, and for other purposes therein mentioned.

[Assented to 18th March, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Penalty for selling spirituous liquors, beer, &c., without license.

1. If any person shall, without License duly issued by the competent authority, sell or cause to be sold, any wine, rum, brandy or other spirituous liquors, beer, ale, cider or other fermented liquors, to be drunk in any ale-house, beer-house or other house or place of public entertainment in which the same are

are sold, or shall, without such license as aforesaid, sell, or cause to be sold, by retail, any such liquors in any shop, store or place other than an inn, ale-house, beer house or other house or place of public entertainment, or if any person being duly licensed to sell intoxicating liquors by wholesale or retail, shall sell or cause to be sold any such liquors in contravention of the law, every person so offending shall incur a penalty of not less than ten dollars, nor more than fifty dollars, with costs, and may be convicted upon the oath of one or more credible witness or witnesses, before any Justice or Justices of the Peace having jurisdiction in the place in which such offence is committed; and it shall and may be lawful for such Justice or Justices to issue a warrant of distress to any Constable or Peace Officer against the goods and chattels of the said offender, and in case no sufficient goods be found to satisfy such penalty and costs, then it shall and may be lawful for the said Justice or Justices, to order that the persons so convicted be imprisoned in any Common Gaol in the County or City in which such conviction takes place, for any term not less than ten days, nor more than thirty days, unless the amount of penalty and costs be sooner paid, and one half of the said penalty shall go to the informer, the other half to the Municipality.

How to be recovered and enforced.

Application of penalty.

2. The provisions of the Act respecting Justices of the Peace, Consolidated Statutes of Canada, chapter one hundred and three, shall apply to proceedings under this Act, except in so far as altered by this Act.

Con. Stat. Can. chap. 103, to apply.

3. This Act shall apply to Upper Canada only.

Act limited to U. C.

C A P. XXIII.

An Act further to amend the Act respecting Joint Stock Companies for the construction of Roads and other Works in Upper Canada.

[Assented to 18th March, 1865.]

WHEREAS it is necessary to provide for the maintenance of those portions of the roads of Joint Stock Companies in Upper Canada which such Companies respectively may neglect to repair, after having been compelled to discontinue the taking of tolls thereon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Whenever any Joint Stock Road Company in Upper Canada has been compelled to discontinue the taking of tolls for passing through the nearest toll-gates, on either side of any portion of the road constructed or acquired by such Company, after examination and notice as required by the provisions of the forty-ninth chapter of the Consolidated Statutes for Upper Canada,

Portions of roads on which no toll has been allowed to be taken for more than six months to cease to

belong to
Road Compa-
nies, and to be
put and kept
in repair by
Statute
labour.

Canada, and of the Act amending the same, passed in the twenty-third year of Her Majesty's Reign, chapter fifty-four, such portion of such road shall, upon, from and after the expiration of six months in addition to the time last allowed under the said Acts for repairing the same, without discontinuing the taking of tolls, cease to belong to, or be under the control of, such Company, and shall thenceforth be put and kept in repair, by statute labor or otherwise, under the control and direction of the proper Municipal Council, unless the same have been sooner certified to be in good and efficient repair, under the provisions of the second section of the said last mentioned Act.

Right to de-
mand tolls on
such portions
not to revive
afterwards on
repair thereof
or otherwise.

2. After the expiration of such period of six months as aforesaid, no certificate that the portion of road has been again examined and is in good and efficient repair shall be made or granted by any Engineer; and whether any such certificate be or be not made or granted after the expiration of such period, and whether the portion of road be or be not in efficient repair at any time after the expiration of the said period, the eighty-seventh and eighty-eighth sections of the said first mentioned Act shall continue to apply to and in respect of such portion in the same manner to all intents and purposes as if the same still belonged to, and were under the control of, the Road Company, and were out of repair.

But if the
Company re-
pay to Muni-
cipal Council
its outlay on
the road.

3. If, at any time within two years from and after the expiration of such period of six months as aforesaid, the Road Company reimburse and pay to the Municipal Council all outlay made by the latter for the repair and maintenance of such portion of road since the expiration of such period, then a certificate to that effect, made by the Head of the Municipal Council under his hand and the seal of such Council, shall be granted to the Road Company; and upon, from and after the registration of such certificate, as hereinafter provided, the foregoing provisions of this Act shall cease to apply to or in respect of such portion of road, which shall thereupon become again the property of and revert to the possession and control of the Company.

How certi-
cate of such
repayment
may be regis-
tered.

4. Any certificate under the next preceding section of this Act, may be registered by leaving the same with the Registrar of any one County within which the portion of road therein mentioned is wholly or partly situated; and such Registrar shall register the same in the registry book provided by him under the provisions of the fourteenth section of the said forty-ninth chapter of the Consolidated Statutes for Upper Canada (for which registry he shall be entitled to a fee of fifty cents); and he shall afterwards retain such certificate in his custody, and shall produce the same upon all occasions when legally required to do so by the Directors or Treasurer of the Company, or by any Gate-keeper or other person authorized by them or him, or otherwise.

C A P .

CAP. XXIV.

An Act to enable certain County Councils in Upper Canada to raise money for assisting persons in certain cases to sow their land.

[Assented to 18th March, 1865.]

WHEREAS, from the failure last year of the crops in certain Counties in Upper Canada, many persons will not be able to procure seed without assistance, and it is expedient to empower the County Councils hereinafter mentioned to raise money for their relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Notwithstanding any law in force in Upper Canada, the County Councils of the Counties of Victoria, Hastings and Lennox and Addington, or any or either of them, may pass a By-law, or By-laws, for raising money, not exceeding twenty thousand dollars each, to be expended in the purchase of seed, and for the relief of persons suffering from the failure of the crops, and for no other purpose; and the debentures issued under such By-laws shall be a charge on the County issuing the same.

Councils of certain Counties may pass by-laws to raise money for the purchase of seed, &c.

2. Such By-law shall be in the form of Schedule A. to this Act, and the sections, numbered two hundred and twenty two, two hundred and twenty-three, two hundred and twenty-four and two hundred and twenty-five, of the Act respecting the Municipal Institutions of Upper Canada, chapter fifty-four of the Consolidated Statutes for Upper Canada, shall not apply thereto.

Form of by-law, Sec. 224 of U. C. Municipal Act, not to apply to it.

3. The said County Councils shall severally lend the money so raised, in such sums as they may deem expedient, to Township Councils requesting the same, and shall impose and levy a special rate, in each year, against the Municipality so borrowing, over and above all other County rates, until the loan and interest are repaid.

Application of moneys: special rates for repayment.

4. The Township Councils shall lend the money so borrowed, and may also lend any surplus Township funds in their possession, not otherwise appropriated, to the persons aforesaid, for the purposes aforesaid.

Money may be lent for the purpose of buying seed, &c.,

5. The Township Councils, if they deem it expedient, may purchase seed and deliver the same to the persons aforesaid, in the place of money.

Or Township Council may purchase seed.

Township Council to impose a special rate on parties borrowing.

6. The Township Council shall, by By-law, declare the time within which such loan shall be repaid, and shall impose, levy and collect a special annual rate, over and above all other rates, against the estate, real and personal, of the party borrowing, and all the rights and remedies shall apply thereto, which now or at any time hereafter shall apply to the collection of any other rate or tax upon such land, or the Council, if it see fit, may take other security, real or personal, for the payment of such loan.

Application of moneys restricted.

7. No money raised under this Act shall be applied to any other purpose, and any surplus thereof, unapplied, shall be added to the sinking fund, for the redemption of the debentures issued as aforesaid.

Moneys lent or seed delivered exempt from seizure.

8. No money lent or seed delivered, under this Act, shall be seized in execution, garnished or attached.

Time for passing by-laws, &c., under this Act, limited.

9. No By-law shall be passed and no debentures shall be issued under any By-law passed in pursuance of this Act, after the first day of May, one thousand eight hundred and sixty-five.

SCHEDULE A.

By-Law No.

Enacted by the County Council of the County of _____ under and by virtue of the Statute of this Province, passed in the year one thousand eight hundred and sixty-five, intituled : *An Act to enable certain County Councils in Upper Canada to raise money for assisting persons, in certain cases, to sow their land.*

WHEREAS it is expedient to raise the sum of \$ _____, to be applied to the purposes in the said Statute set forth : Be it therefore enacted, under the authority of the said Statute, that the said sum be forthwith raised for such purposes, and that the Warden do cause debentures of the County of _____ to be issued, for the sum of \$ _____, which debentures shall be payable within ten years, at furthest, from the date hereof, and shall bear interest at the rate of six per cent. per annum, payable half yearly, on the thirtieth day of June and thirty-first day of December, in each year ; principal and interest to be payable at _____ in the Town of _____

And whereas the sum of \$ _____ will require to be raised annually for paying the said debt and interest at the times and in the manner aforesaid ; and whereas the amount of the whole rateable property in the said County, according to the last revised Assessment Rolls, amounts to \$ _____ : Be it therefore further enacted, that the sum of _____ in

in the dollar, on the said gross rateable value of property, be levied and collected, in each year, over and beyond all other rates, general and special, for the purpose of paying the interest on, and creating a sinking fund to pay the said sum of \$
 , raised under the authority of this By-law and the Statute aforesaid.

C A P. X X V.

An Act to legalize certain By-laws and Debentures of the United Counties of Frontenac and Lennox and Addington.

[Assented to 18th March, 1865.]

WHEREAS doubts have arisen as to the legality of certain Preamble.
 By-laws enacted by the Council of the Corporation of the United Counties of Frontenac and Lennox and Addington, authorizing the raising of money for the purposes therein mentioned, by the issue of debentures, and as to the validity of debentures issued under and in virtue of such By-laws; and whereas it is expedient that an Act should be passed for the removal of such doubts, and to legalize and make valid all the said by-laws and debentures: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

1. For and notwithstanding all such doubts as aforesaid, and any irregularities in the passing of any By-law enacted by the Council of the Corporation of the United Counties of Frontenac and Lennox and Addington, prior to the second day of January, in the year one thousand eight hundred and sixty-five, authorizing the raising of money, for the purpose therein mentioned, by the issue of debentures, or in matters preliminary to such passing, or any insufficiency at law of or in any such by-law, either in form or in substance, all such by-laws as aforesaid enacted by the Council of the said Corporation prior to the said date, are hereby legalized and made valid, and the same and each of them shall be held to have been valid from the time of the passing thereof respectively; and all assessments and levying and collection of rates, and payments made, and all debentures issued, and proceedings and dealings heretofore made and had, or hereafter to be made or had under any of the said by-laws, are also hereby legalized and made valid.

Certain By-laws of county councils of Frontenac and Lennox and Addington and the proceedings had thereunder declared legal and valid.

2. This Act is a Public Act.

Public Act.

C A P.

C A P. XXVI.

An Act to enable the Town of Woodstock to consolidate the debt of the Town, and for other purposes

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Corporation of the Town of Woodstock have petitioned to be authorized to issue a certain amount of debentures for the purpose of redeeming a portion of the debentures of the said town, and which debentures were issued under several by-laws numbered respectively,—forty, passed on the twelfth of August, one thousand eight hundred and fifty-three, for the purchase of a site for a school-house, and for the erection of the same,—forty-one, passed on the twelfth of August, one thousand eight hundred and fifty-three, for the purchase of a site for a market-house and town-hall, and for the erection of the same,—fifty-four, passed on the twenty-sixth of October, one thousand eight hundred and fifty-four, for certain public improvements in the Town of Woodstock,—and sixty-nine, passed on the twenty-seventh of August, one thousand eight hundred and fifty-six, for the purpose of loaning the sum of two thousand pounds to the Woodstock and Dereham Gravel Road Company, and the sum of one thousand four hundred pounds to the Woodstock and Huron Plank and Gravel Road Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation of Woodstock may pass by-laws for issue of debentures to redeem those under the by-laws mentioned in the preamble.

1. The Corporation of the Town of Woodstock may pass a by-law or by-laws for authorizing the issue of debentures of the said town, for a sum not exceeding in the whole thirty-one thousand dollars, to redeem certain debentures issued under the aforesaid by-laws passed in the years one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four, and one thousand eight hundred and fifty-six, and numbered in the books of the corporation as forty, forty-one, fifty-four and sixty-nine, and falling due as follows:

£5,020 in the year 1863.

2,700 " " 1874.

3,400 " " 1876.

Sect. 224 of cap. 54 Consol. Stat. U. C. not to apply.

And it shall not be necessary, with respect to any such by-law, to comply with the provisions of section two hundred and twenty-four of chapter fifty-four of the Consolidated Statutes for Upper Canada, which requires the assent of the electors of the municipality; and the corporation may repeal the said by-laws numbered forty, forty-one, fifty-four and sixty-nine, so far as regards the levying of rates imposed by such by-laws for the redemption of such original debentures, and the payment of interest on the same.

2. The debentures to be issued under the preceding section of this Act, shall be made payable not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums not less than one hundred dollars each, and in provincial or other currency, and shall bear interest at such rate not exceeding eight per cent. per annum, as the corporation of the town may think fit.

Period within which debentures are to be made payable, and rate of interest.

3. The by-law or by-laws authorizing the issue of such debentures, shall provide for the raising of a special rate sufficient to pay the yearly interest, and provide for the payment of such part of the principal sum as may fall due in each or any year, according to the terms of the by-law.

Provision to be made for special rate on account of debentures.

4. The proceeds of the debentures aforesaid, shall be applied in the redemption of the debentures issued by the town, and the payment of interest accruing, as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Application of moneys raised.

5. This Act shall be deemed a Public Act.

Public Act.

CAP. XXVII.

An Act to legalize a By-law of the Town of Napanee, for the division of the said Town into Wards, and for other purposes.

[Assented to 18th March, 1865.]

WHEREAS the Town of Napanee was incorporated as a Town by Act of Parliament, passed in the session of Parliament held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, but no provision was made therein for dividing the said Town into Wards; And whereas the Council of the said Town, in default thereof, did, by By-law, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-four, divide the said Town into Wards, and elections of Mayor, Aldermen and Councilmen have been since held; And whereas the Council of the said Town have, by petition, prayed that the said By-law, and the elections, and the subsequent proceedings of the said Council, should be legalized and confirmed, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Preamble.

1. The said By-law dividing the said Town into Wards, and the division of the Town into Wards thereunder, and the said Elections, and all subsequent proceedings taken thereunder, or in consequence thereof, are hereby legalized and confirmed,

By-law dividing Town into Wards, and subsequent proceedings declared valid.

confirmed, and shall be as valid and effectual to all intents and purposes as if the said Town had been divided into wards by proclamation in the usual manner, as set forth in the Act respecting the Municipal Institutions of Upper Canada.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XXVIII.

An Act to consolidate the Debt of the Town of Ingersoll.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Corporation of the Town of Ingersoll, by their petition, have represented that they have incurred debts and liabilities to the amount of forty-three thousand dollars, and have prayed that the said debt may be consolidated, and that they may be authorized to issue new debentures for that purpose; And whereas it is expedient to grant the said prayer; and in order to provide against any loss on the said consolidation, it is expedient to enable the said Corporation to issue such new debentures for a sum not exceeding in all forty-five thousand dollars: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation of Ingersoll may issue Debentures for \$45,000.

1. The said Corporation may issue debentures under the Corporation Seal, signed by the Mayor and countersigned by the Treasurer of the Corporation, for the time being, in such sums not exceeding in the whole the sum of forty-five thousand dollars, as the Council may direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, as the Council deems expedient.

May raise a loan on such Debentures.

2. The Corporation of the said Town may raise by way of loan, upon the credit of the said debentures in this Province or in Great Britain or elsewhere, a sum of money not exceeding in the whole the sum of forty-five thousand dollars, and a rate of interest greater than six per centum per annum may be received thereon and be made payable thereby.

Proceeds to be applied to discharge of outstanding debentures.

3. The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in such outstanding debentures and liabilities, and shall discharge the same with the funds raised under this Act, or may substitute therefore the said debentures, or any of them above authorized to be issued under this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures or other the said creditors of, or claimants upon, the Corporation.

4. The loan to be raised as aforesaid shall be applied by the Council to the redemption and payment of the outstanding debentures and other liabilities thereof, and to and for no other purpose whatsoever. Application of proceeds limited.

5. For payment of the debentures to be issued under this Act, the Council shall, and they are hereby required to impose a special rate per annum (over and above, and in addition to, all other rates to be levied in each year, and over and above the interest to be payable on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose. Special rate for payment of debentures.

6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may by Order in Council direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act. Investment of moneys raised by special rate.

7. It shall not be lawful for the Corporation to incur any further debt or liability than is provided for in this Act, excepting the yearly current expenses to be paid out of the annual assessment, and any such contractor undertaking for increasing the debt or liability of the said Corporation, contrary to this Act, shall be utterly void, and of no effect. Corporation may not increase its debt.

8. The Corporation, after having called in and paid their present outstanding debentures, may repeal the by-laws of the said Council, or of the Council of the late Village of Ingersoll, which authorized the levying of special rates for the purpose of satisfying the same. Corporation may repeal by-laws for levying special rates.

9. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act nor to any by-law or by-laws to be passed under the authority thereof. Section 224 of Cap. 54, of Con. Stat. U. C., not to apply to this Act.

10. This Act shall be deemed a Public Act.

Public Act.

C A P . X X I X .

An Act to legalize By-law number two hundred, of the Corporation of the Town of Port Hope, and for other purposes.

[Assented to 18th March, 1865.]

WHEREAS the Corporation of the Town of Port Hope have, by their petition, represented that for the settlement of certain differences and disputes between the said Corporation

Preamble.

Corporation and the Bank of Upper Canada, certain proposals known as "Proposition number one," and "Proposition number two," respectively, were lately made to the said Corporation by Robert Cassels, Esquire, Cashier of the said Bank of Upper Canada, and acting for and on behalf of the said Bank; that the said proposals were thereupon submitted for the consideration of the Rate-payers of the said Town, and the proposal known as "Proposition number two" was accepted by the said Rate-payers, at a public meeting called and held in the Town Hall of the said Town, for the purpose of considering the same; that thereupon the Corporation of the said Town prepared and submitted to the qualified electors of the said Town the draft of a proposed By-law, in which the said "Proposition number two" was embodied and set forth, for the purpose of enabling the said Corporation to enter into an agreement to carry the terms of the said "Proposition number two" into effect, which said proposed By-law, after due notice to the said electors in that behalf, was approved by a large majority of the said electors, who voted upon the same; that thereupon the said proposed By-law was, on the first day of March, one thousand eight hundred and sixty-five, duly adopted and passed by the said Corporation of the said Town, and an agreement based upon the said "Proposition number two," was afterwards, on the seventh day of March, one thousand eight hundred and sixty-five, duly executed by the said Corporation and the said Robert Cassels, acting for and on behalf of the said Bank; and whereas the said Corporation have further represented that to give effect to the said By-law and agreement, it is necessary that an Act should be passed to legalize the same, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

By-law No.
200 of Town
of Port Hope
declared legal.

1. The said By-law of the said Corporation of the Town of Port Hope, passed on the first day of March, one thousand eight hundred and sixty-five, intituled: *By-law number two hundred, for settling the disputes and differences existing between the Corporation of the Town of Port Hope and the Bank of Upper Canada*, a copy of which is appended to this Act, marked Schedule A, is hereby declared to be legal and valid.

Agreement
made in pur-
suance thereof
confirmed.

2. The said agreement, made in pursuance of the said By-law and therein set forth at length, based on the said "Proposition number two," and bearing date the seventh day of March, one thousand eight hundred and sixty-five, between the said Corporation and the said Robert Cassels, acting for and on behalf of the said Bank of Upper Canada, is hereby confirmed, and all the provisions, stipulations, covenants and agreements and other matters and things in the said agreement contained,

contained, are declared to be legal and binding as well upon the said Corporation as upon the said Bank, and the said parties respectively are hereby authorized, and required to make and execute all such deeds, assignments, transfers and releases, and to do and perform all such acts as may be necessary for carrying the said agreement into effect.

3. The debentures in the fifth clause of the said agreement mentioned are hereby declared to be legal and valid, in the hands of James Smith and William Fraser, in the said fifth clause mentioned respectively, their executors, administrators and assigns, as security for the respective sums or amounts for which they are respectively deposited or hypothecated with the said James Smith and William Fraser respectively, and for all interest accrued and all costs incurred thereupon or in respect of the same.

Certain debentures mentioned in the said agreement declared valid.

4. This Act shall be a Public Act.

Public Act.

SCHEDULE A.

By-law number two hundred, for settling the disputes and differences existing between the Corporation of the Town of Port Hope and the Bank of Upper Canada.

"Whereas certain disputes and differences have for some time past existed between the Corporation of the Town of Port Hope and the Bank of Upper Canada, in respect of certain debentures issued by the Commissioners of the Port Hope Harbour, held by the said Bank;

"And whereas the said Bank lately submitted to the said Corporation of the Town of Port Hope two distinct propositions, known as "Proposition number one," and "Proposition number two," for acceptance of either of them by the said Corporation as the basis or terms of an agreement to be entered into between the said Corporation and the said Bank for settlement of the disputes and differences aforesaid ;

"And whereas at a public meeting of the rate-payers of the said Town of Port Hope, duly convened for the purpose of discussing and considering the said two propositions, a Committee composed of certain rate-payers of the said Town was appointed to investigate and examine the said two propositions, and all matters connected therewith, and to report to a subsequent public meeting of the said rate-payers, which, if either, of the said two propositions it would be more advantageous for the said Town to accept ;

"And whereas, at a subsequent public meeting of the said rate-payers, so duly convened for the purpose aforesaid, the said

said Committee, having previously examined and considered each of the said two propositions, finally approved of, and recommended the acceptance and adoption by the said Corporation of the proposition known as 'Proposition number two,' a true copy of which is hereinafter contained, as the basis or terms of settlement between the said Corporation and the said Bank, of the disputes and differences aforesaid, and the said report was thereupon duly received and adopted by the said meeting in the usual manner ;

“ And whereas, by a subsequent resolution, duly passed by the Town Council of the said Town of Port Hope, it was resolved that a By-law in accordance with said ‘ Proposition number two,’ contingent upon an Act of Parliament to legalize the same, should be prepared and submitted to the electors of the said Municipality, for their approval or disapproval, on Thursday, the sixteenth day of February, in the year of Our Lord one thousand eight hundred and sixty-five ;

“ And whereas, public notice having been duly given in that behalf according to law, a draft of this By-law was, on the day and year aforesaid, submitted for the approval or disapproval of the duly qualified rate-payers and electors of the said Municipality, by a vote of the said rate payers and electors then duly taken for that purpose in the usual and proper manner, when the said By-law was sanctioned and approved of by the majority in numbers of the votes so polled in that behalf as aforesaid :

“ Be it therefore enacted by the Corporation of the Town of Port Hope, and it is hereby enacted and declared, with the sanction and approval of the rate-payers and electors of the said Town, so duly expressed as aforesaid, that the said Corporation may, and they are hereby fully authorized and empowered, subject nevertheless to an Act of the Parliament of this Province being hereafter passed, to sanction and legalize this By-law to settle the disputes and differences now existing between the said Corporation and the said The Bank of Upper Canada, in respect to the matters aforesaid, upon the basis, terms and conditions expressed and set forth in the aforesaid ‘ Proposition number two,’ in the nature of an agreement, and of which the following is a true copy.

" Articles of Agreement made the day of
in the year of Our Lord one thousand eight hundred and
sixty between Robert Cassels, of the City of Toronto,
Esquire, Cashier of the Bank of Upper Canada, and represent-
ing the Bank of Upper Canada, of the first part ; and the Cor-
poration of the Town of Port Hope, hereinafter styled ' The
Corporation,' of the second part ; whereby it is agreed as
follows :

1st.

1st. "The said Robert Cassels agrees to transfer to the Corporation all debentures now held by the Bank of Upper Canada, either absolutely or as collateral security, amounting to seventeen thousand five hundred pounds sterling, and to release all claims held by the Bank against the Corporation, or any residents of Port Hope indebted to the Bank on Railway account, to secure which, said debentures were pledged.

2nd. "The said Robert Cassels agrees that all moneys now in the Bank of Upper Canada, arising from collections of the Harbour Commissioners, may be paid over to the Corporation, which moneys amount to about thirty thousand dollars.

3rd. "The Corporation agree, on the request of the said Robert Cassels, to transfer to Henry Covert, Esquire, and John Fowler, Esquire, the stock now held by the Corporation in the Port Hope, Lindsay and Beaverton Railway Company, and to release and discharge the mortgage now held in trust for them over the branch line from Millbrook to Peterborough.

4th. "The Corporation agree to pay over to the credit of the Government in the Bank of Upper Canada all arrearages due under the Commutation Act; these arrearages amounting to about twenty-four thousand dollars.

5th. "The Corporation agree that the balance remaining after payment to the Government, amounting to about six thousand dollars, shall be applied in reduction of the debt due to Messrs. Smith and Fraser, upon their delivering up to the Corporation a *pro tanto* proportion of the debentures now held by them as collateral security, and that any steps that may be necessary to remove any doubts as to the legality of the debentures which will remain in the hands of those gentlemen, shall be taken by the Corporation.

6th. "The Corporation agree to make application to the Legislature, as soon as possible, for authority to carry out this agreement, and this agreement is contingent on such authority being obtained.

"In witness whereof, &c., &c.

"And to give validity and effect to such settlement, by jointly executing, with the said Bank, or their duly appointed agent in that behalf, an agreement or other instrument in writing, embodying the terms and conditions aforesaid, in such proper legal form as will give full operation thereto, and any such agreement so entered into shall be binding both in law and in equity upon the said Corporation and their successors."

Dated

Dated at the Town of Port Hope, this first day of March, one thousand eight hundred and sixty-five.

(Signed,)

C. QUINLAN,

Mayor, L. S.

(Signed,) H. V. SANDERS,
Town Clerk.

C A P. X X X.

An Act to authorize the Corporation of the Village of Lanark to sell a certain piece of land, and apply the proceeds to the erection of a Lock-Up.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Corporation of the Village of Lanark, in the county of Lanark, have, by their petition, represented that it would be advantageous for the inhabitants of the said village that that certain block of land, containing four acres, known as the Government Reserve, in the said village, should be disposed of, and the proceeds applied towards the construction of a building for a Lock-Up, in the said village, and have prayed to be authorized to make such sale, and to apply the proceeds as aforesaid, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation may sell a certain block of land, and apply proceeds to build a Lock-Up.

1. It shall be lawful for the Corporation of the said Village of Lanark, to dispose of, sell by public or private sale, and convey in fee simple to the purchaser or purchasers thereof, in one or more lot or lots, and for such price and on such conditions as the said Corporation shall think fit, that certain block of land containing four acres in the said village, granted to the Municipal Corporation of the united townships of Lanark and Darling, for public purposes, by Letters Patent from the Crown, bearing date the ninth day of August, one thousand eight hundred and fifty-one, the interest or right of the Corporation of the township of Lanark, in or to the said block of land being ceded to the Corporation of the said village of Lanark, under the award of the arbitrators, and confirmed by by-law of the said township of Lanark, in accordance with the provisions of section fifteen of the Act passed in the twenty-fifth year of Her Majesty's Reign, incorporating the said village of Lanark, and to apply the purchase money or proceeds of such sale or sales towards erecting a building for a Lock-Up in the said village of Lanark ; provided always, that the purchaser or purchasers of any part of the said block of land sold under the authority of this Act, shall not be bound to see to the application of the purchase money.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

C A P.

CAP. XXXI.

An Act to authorize a re-survey of part of the Township of Portland, in the County of Frontenac.

[Assented to 18th March, 1865.]

WHEREAS Joseph Watson and others, of the Township of Portland, in the County of Frontenac, have, by their petition, represented that in the original survey of the said Township, the Concession lines were intended to be parallel to each other, and are so shewn on the Government plan thereof; but that in reality, on the ground, the line dividing the twelfth from the thirteenth concession is not parallel to any other in the Township, whilst those between the tenth and eleventh, the eleventh and twelfth, and the thirteenth and fourteenth concessions were not run at all upon the ground; from which it results that two concessions to the north, and three concessions to the south, of the erroneously drawn line between the twelfth and thirteenth concessions, are affected by it—the concessions to the north getting about double their depth, and those to the south about half of theirs; that these facts have only recently been discovered; that the Township has been settled under the belief that the regular lots were all of equal size, as set forth in their original patents, and that, as the law now stands, the improvements of many of the residents of the said Township will become the property of their neighbours, and many boundary lines, or supposed boundary lines, will be disturbed; and have prayed that an Act may be passed to provide for their relief in the premises; and whereas, the allegations of the said petition have been in a great measure borne out by the results of a survey of the said eleventh, twelfth, thirteenth and fourteenth concessions of the said Township of Portland, made by Aylsworth Bowen Perry, Provincial Land Surveyor in and for Upper Canada, under the authority of the Commissioner of Crown Lands, upon the application of the Municipal Council of the said Township, to the Governor,—as appears by the report and plan of the said survey, of record in the office of the Commissioner of Crown Lands; and whereas the said Municipal Council of the said Township have, by resolution, unanimously concurred in the statements of fact contained in the said petition, and in the prayer of the said petition; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Commissioner of Crown Lands may, at any time within one year from and after the passing of this Act, cause the said Aylsworth Bowen Perry, or any other Provincial Land Surveyor in and for Upper Canada, to make a survey and report and plan of survey of the said eleventh, twelfth, thirteenth and fourteenth

Resurvey of certain concession lines of township of Portland.

fourteenth concession lines of the said Township of Portland ; giving to each concession a depth proportioned to that which was intended in the original survey, notwithstanding such original survey, or any other survey heretofore made, or any posts or monuments found upon the ground.

Monuments placed at the time of former survey may be removed.

2. It shall be lawful for such surveyor, in making such survey, to pull down, deface, alter or remove any monument placed by the said Aylsworth Bowen Perry, or any other Surveyor, to mark any limit, boundary or angle of any range, lot or parcel of land in either of the said concessions of the Township of Portland, and not to replace them as they were before.

How such survey shall be made.

3. Such survey shall, as regards the eleventh concession of the said Township of Portland, commence at the eastern boundary thereof, and, making due allowances for roads, shall give to each lot from number one to number twenty-three inclusive, its full width as originally intended by the Crown and shewn on the original plan of the Township ; and the remaining land in the said concession—from the western side line of lot number twenty-three to the western boundary of the Township—shall be numbered and shall constitute, in the proportion shewn on the original plan, lots numbers twenty-four and twenty-five in that concession ; and as regards the twelfth and thirteenth concessions, such survey shall assign to each lot from numbers one to numbers twenty-five inclusive, its full width as given on the original plan of the Township upon the concession line between the said twelfth and thirteenth concessions, and to lot number twenty-six in the thirteenth concession the acknowledged width of twenty-nine chains, eighty links ; and any land remaining in the said thirteenth concession, between the western side line of lot number twenty-six and the western boundary of the Township shall be numbered and shall constitute lot number twenty-seven in that concession ; and as regards the fourteenth concession, such survey shall drop and obliterate what is now lot number twenty (not yet granted by the Crown) and shall divide the land in the concession, exclusive of that lot, into twenty-seven lots agreeably in proportion to the original plan of the Township, which shall be numbered and shall constitute lots numbers one to twenty-seven inclusive in the fourteenth concession ; and in all other respects such survey and report, and plan of survey shall be made, conducted and treated according to the provisions of the Act “ respecting Land Surveyors and the Survey of Lands,” being the seventy-seventh chapter of the Consolidated Statutes of Canada ; and such report and plan of survey shall be made in duplicate ; and one duplicate of each, after having been sworn to as correct before a Justice of the Peace by such Surveyor, shall, together with any other document or plan prepared and sworn to as correct before a Justice of the Peace by such Surveyor with reference to such survey, be filed and kept in the Registry Office of the said

Report and plan of survey to be filed of record.

said County of Frontenac, subject to be produced thereafter in evidence in any Court of Law or Equity within Upper Canada ; and the other duplicates shall be recorded in the office of the Commissioner of Crown Lands.

4. Upon, from and after the confirmation of such survey by the Commissioner of Crown Lands, the survey made by such Surveyor shall be, and shall be held and deemed to be, and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of the said eleventh, twelfth, thirteenth and fourteenth concessions of the said Township of Portland ; and the lines, limits, boundaries and angles thereby established, and the monuments planted by such Surveyor to mark and designate the same respectively shall be, and shall be held and deemed to be, and are hereby declared to be, the only true and unalterable lines, limits, boundaries and angles of the said concessions respectively, and of the respective lots within the same respectively, and the only true and unalterable monuments to mark and designate the same respectively ; any law, usage or custom to the contrary notwithstanding.

Effect of such survey after it shall have been confirmed.

5. The said survey may be made, and caused to be made as aforesaid, without any other or further application to the Governor by the Municipal Council of the said Township of Portland, than has already been made as aforesaid ; and the cost of such survey shall be defrayed by the Crown.

Cost of such survey to be defrayed by the Crown.

6. The said survey heretofore made by the said Aylsworth Bowen Perry, as aforesaid, is hereby set aside and annulled.

Former survey annulled.

C A P. XXXII.

An Act to incorporate The Mechanics' Bank.

[Assented to 18th March, 1865.]

WHEREAS Alexander Ramsay, James Mavor, Thomas D. Hood, Daniel McNiven, Charles J. Brydges, William Ailton, Alexander Molson, James Thomson, and Charles Garth and others, have, by their Petition, prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the City of Montreal ; And, whereas it is desirable and just that the said persons and others, who see fit to associate themselves with them, should be incorporated for the said purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created,

Certain persons incorporated.

Corporate
name and
powers.

created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Mechanics' Bank," and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded, in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and may sell, alienate, or exchange the same and acquire other instead.

Capital Stock
and number
of shares.

2. The Capital Stock of the said Bank hereby incorporated, shall be one million of dollars, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Opening of
Stock books.

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof, and they, or the majority of them, may cause stock books to be opened after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank, and such books shall be opened at Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall be kept open so long as they shall deem necessary, and so soon as four hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid in thereupon, a public meeting shall be called of the subscribers thereof, by notices published, at least, two weeks in two of the newspapers of the City of Montreal, such meeting to be held at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect five Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Monday in July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the annual election, herein-after provided for, as respects the regulating of votes according to the number of shares subscribed for, and immediately upon such election being had the functions of the said Provisional Directors shall cease.

First meeting
of subscribers.

Election of
Directors.

Payment of
instalments on
Capital Stock.

4. The shares of the capital stock subscribed for shall be paid in, and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and are hereby respectively indemnified for

for paying the same ; provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal, at least, to ten per centum on the amount subscribed for, be actually paid at the time of subscribing ; provided further, that the remainder of the capital stock, over and above the said sum of five hundred thousand dollars, shall be subscribed for, and, at least, the sum of five hundred thousand dollars in all shall be paid up within five years after the said Bank shall have so commenced the business of banking, under penalty or forfeiture of their charter.

Certain amount to be paid up within five years.

5. After the payment of calls upon the subscribed capital of the said Bank, to the extent of five hundred thousand dollars, it shall not be obligatory upon the said Corporation to call in the remainder of such subscribed capital ; but the same may be called in or not called in either in whole or in part, as the Directors may from time to time determine ; Provided always that nothing herein contained shall affect the limitations fixed by this Act in respect of the amount of notes or bills which the said Bank may issue, or in respect of the amount of debt which the said Bank may owe, or in respect of the liability of the shareholders for double the amount of their subscribed stock.

Certain amount of capital need not be called in.

Proviso.

6. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said capital stock, at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture, to the use of the said Corporation, of a sum of money equal to ten per centum on the amount of such shares ; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality, other than thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole ; and the President or Vice-President, or Cashier of the said Corporation shall execute the transfer to the purchaser of the shares of stock so sold, and such transfers being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred ; provided always, that nothing in this section contained shall be held to debar the Directors or shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said Bank from enforcing the payment of any call or calls by suit in lieu of forfeiting the same.

Shareholders neglecting to pay instalments to forfeit ten per cent. on amount of shares.

Shares may be sold to pay instalments.

Proviso : forfeiture may be remitted.

7. The chief place or seat of business of the said Corporation shall be in the City of Montreal aforesaid ; but it shall and may be lawful for the Directors of the Corporation to open and establish,

Chief place of business to be Montreal.

Branches elsewhere.

establish, in other cities, towns, and places in this Province, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same, as to the Directors shall, from time, to time, seem meet, and as shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Corporation.

Affairs to be managed by five Directors to be elected yearly.

8. For the management of the affairs of the said Corporation, there shall be five Directors, who shall be annually elected by the shareholders of the capital stock of the Corporation, at a general meeting of them, to be held annually on the first Monday in July, beginning on the first Monday in July, which shall be in the year next after the first election of Directors hereinbefore provided for, at which meeting each shareholder shall have one vote for every share by him held in the stocks of the said Bank; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election shall choose out of their number a President and Vice-President, who shall hold their offices respectively, during the same period; and, in case of vacancy occurring in the said number of five Directors, the remaining Directors shall fill the same by election from among the shareholders, and the Director so elected shall be capable of serving as a director until the next annual general meeting of the shareholders; and if the vacancy, occurring in the said number of five Directors, shall also cause the vacancy of the office of President or Vice-President, the Directors at the first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected until the next annual general meeting of the shareholders; Provided, always, that each of the Directors shall be the holder and proprietor, in his own name, of not less than forty shares of the capital stock of the said Corporation, upon which not less than two thousand dollars shall have been paid up, and shall be a natural born or naturalized subject of Her Majesty, and shall have resided seven years in Canada.

President and Vice-President.

Vacancies how filled.

Proviso: qualification of Directors.

Failure of election not to dissolve the Corporation.

9. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken thereby to be dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called for that purpose.

Books, &c., of Corporation to be subject to inspection of Directors.

10. The books, correspondence, and funds of the Corporation shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

11. At all meetings of the Directors of the said Corporation not less than three of them shall constitute a Board or quorum for the transaction of business, and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore*, so presiding shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Four Directors to constitute a quorum.

Casting vote.

12. It shall and may be lawful for the Directors of the Corporation hereby constituted from time to time to make and enact by-laws, rules, and regulations (the same not being repugnant to this Act or to the laws of this Province) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no by-law, rule, or regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting or a special general meeting called for that purpose.

Directors may make By-laws, &c.

Proviso.

By-laws subject to confirmation by stockholders.

13. No Director of the Corporation hereby constituted shall, during the period of his services, act as a Private Banker or Director of any other Bank, but the President and Directors may be compensated for their services, by an annual vote of a sum of money by the shareholders at their annual general meetings.

No Director to act as a private Banker.

President and Directors may be paid.

14. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks, and Servants under them, as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services, respectively; and, also, shall be capable of exercising such power and authority, for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Officer, Clerk, or Servant of the Corporation to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk, or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Directors may appoint cashiers and officers.

Proviso: they must take security from officers.

15. It shall be the duty of the Directors to make half yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always, that such dividend shall not in any manner lessen or impair the capital stock of the Corporation.

Directors may make half-yearly dividends.

Proviso.

Annual meeting of stockholders for election of Directors.

Statement of affairs to be made.

Its form and contents.

Last dividend, reserved fund and bad debts to be stated.

Shareholders ratio of votes to number of shares.

Proviso.

Shares must have been held a certain time.

Exception.

Proviso as to joint-holders.

Officers not to vote.

Special meetings may be

16. The annual general meeting of the shareholders of the Corporation to be held in the City of Montreal, on the first Monday in the month of July, in each year, for the purpose of electing Directors in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the Corporation, and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing on the one part the amount of capital stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balance due to the Bank from other banks or institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities, thus exhibiting, on the one hand, the liabilities of or debts due by the bank; and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of their last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

17. At all meetings of the Corporation, the shareholders shall be entitled to give one vote for every share held by them, and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Corporation, that shall have been held for a less period than three calendar months, immediately prior to any meeting of the shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly.

18. No Cashier, Bank Clerk, or other officer of the Bank, shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

19. Any number, not less than twenty of the shareholders of the said Corporation, who together shall be proprietors of at least

least five hundred shares of the paid-up capital stock of the Corporation, by themselves or proxies, or the Directors of the Corporation, or any four of them, shall, respectively, have power at any time to call a special general meeting of the shareholders of the Corporation, to be held at their usual place of meeting in the City of Montreal, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President, or a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then, and in such cases the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue or be undecided upon.

called by
twenty share-
holders.

Notice.

Suspension
from office of
officers whose
removal is the
subject of
such meeting.

20. The shares of the capital stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank, according to the form of Schedule A, annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books, to be kept in the office of the said bank for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due and exigible by him, her or them to the Corporation, which may exceed in amount the amount paid up on the remaining stock (if any) belonging to such person or persons, and no fractional part or parts of a share, or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Corporation an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Stock to be
deemed per-
sonal estate.

Assignment,
manner of
effecting.

Parts of
shares not as-
signable.

Sale of share
under seizure
and transfer
to purchasers.

Bank to have preferential lien upon shares and deposits.

21. The said Bank shall have a preferential lien for any debt due to it by any shareholder thereof, upon the shares of such shareholder, and shall be entitled to charge any overdue note or bill held by or payable at the Bank, against the deposit account of the maker or acceptor thereof; any law, statute or usage to the contrary notwithstanding.

In what business only the Bank shall engage and what species of property it may hold.

22. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements, (save and except such as by the first section of this Act they are specially authorized to acquire and hold) or any ships or other vessels, or any share or shares of the capital stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the Corporation, or of any goods, wares or merchandise; nor shall the said Corporation, either directly or indirectly, raise loans of money or deal in the buying, selling or bartering of goods, wares or merchandise, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the Fifty-fourth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, and each and every of the provisions thereof shall apply to the Corporation hereby created, as fully and completely as if incorporated in the present Act.

proviso: the 54th cap. of Can. Stat. Canada shall apply to Bank.

Aggregate amount of liabilities of Directors to the Bank, limited.

23. The aggregate amount of the liabilities of all the Directors to the said Corporation shall not exceed, at any one time, one tenth of the total amount of the then current discounts or advances made by the Corporation.

Corporation may pay interest on deposits; and retain discount.

24. It shall and may be lawful for the said Corporation to allow and pay interest upon moneys deposited in the Bank; and also, it shall and may be lawful for the said Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Bonds, Bills, Notes, &c., of corporation may be assigned by indorsement.

25. The bonds, obligations and bills obligatory and of credit of the said Corporation, signed by the President or Vice-President, and countersigned by the cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such

such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names ; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding ; and bills or notes of the Corporation, signed by the President or Vice-President, promising the payment of money to any person or persons, his, her or their order to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons ; provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing, from time to time, any cashier or officer of the Corporation, or any Director, other than the President or Vice-President, or any Cashier, Manager or local Director of a branch or office of discount or deposit of the said Corporation, to sign the bills or notes of the said Corporation intended for general circulation, and payable to order, or bearer on demand.

Need not be under seal.

Proviso : officers may be deputed to sign bank notes.

26. The notes or bills of the said Corporation made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation, in the City of Montreal, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the same place of issue ; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section.

Notes to bear date and be payable at place of issue.

Provision to apply to each office.

27. A suspension by the said Corporation (either at the chief seat or place of business, or at any of their branches or offices of discount and deposit at other places in this Province) of payment, on demand, in specie of the notes or bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension for sixty days to work a forfeiture of charter.

28. The total amount of the notes or bills of the said Corporation, being for a less sum than five dollars, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the capital stock of the Corporation then paid in ; Provided always, that no notes under the nominal value of one dollar shall, at any time, be issued or put in circulation by the Corporation ; nor shall any further limitation by the

Total amount of notes under five dollars, not to exceed one-fifth of capital paid in.

Proviso : no note to be under one dollar. Legislature

ture may
make further
limitation.

Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted.

Total liabilities of Bank limited and of its Bank notes.

Penalty for excess.

Liability of Directors.

29. The total amount of the debt which the said Corporation shall, at any time, owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in and the average amount of the deposits made in the Bank in specie and Government securities for money; and, at no one period after the passing of this Act, shall the notes or bills of the said Bank in circulation, payable on demand or to bearer, exceed the amount of the actually paid up capital stock of the Corporation; and if at any time the Directors of the said Bank shall wilfully and knowingly contract such debts or issue or cause to be issued such notes or bills to an amount exceeding that hereinbefore limited, then and in that case the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted, and those of the Directors, with whose knowledge and participation such contracting of debts or issue of such notes or bills in such excess shall have taken place, shall be liable, jointly and severally, for such excess in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the Corporation, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess.

Liability of shareholders defined and limited.

Proviso: as to Directors.

30. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of capital stock held by them, that is to say--that the liability and responsibility of each shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Monthly statements of the affairs of the Bank to be made and published.

31. Besides the detailed statement of the affairs of the said Corporation, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B, hereunto annexed, shewing, under the heads specified in the

the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same ; and it shall also be the duty of the Directors to submit to the Governor, Lieutenant Governor or person administering the Government of this Province, a copy of each such monthly statement ; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the monthly balance sheet, from which the said statement shall have been compiled ; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor, Lieutenant Governor, or person administering the Government of this Province, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor, Lieutenant Governor, or person administering the Government of this Province, may reasonably see fit to call for ; provided always, that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the said Governor, Lieutenant Governor, or person administering the Government of this Province as being produced and given, in strict confidence that he shall not divulge any part of the contents of the said monthly balance sheet or of the information that shall be so given ; and provided, also, that the directors shall not, nor shall anything herein contained be construed to authorize them, or any of them to make known the private account or accounts of any person or persons whatever, having dealings with the Corporation.

How verified.

Governor may require further information.

Proviso.

Proviso.

32. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of any Foreign Prince, Power, or State, any sum or sums of money, or any securities for money ; and, if such unlawful advance or loan be made, then, and from thenceforth, the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, any thing in this Act to the contrary notwithstanding.

Bank not to lend money to foreign powers.

Penalty.

33. The several public notices, by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the City of Montreal, and in the *Canada Gazette*, or such other *Gazette* as shall be generally known and accredited as the *Official Gazette* for the publication of official documents and notices emanating from the Civil Government of this Province.

How notices under this Act shall be published.

34. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and

Transfer of shares in Great Britain.

and dividends are respectively made transferable and payable at the Bank, in the City of Montreal, and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms and appoint such Agent or Agents as they may deem necessary.

Assignment
or transfer
of shares how
valid.

35. No assignment or transfer of the shares of the said Bank shall be valid or effectual except as herein provided; nor until or unless the person or persons making such transfer shall have discharged all debts due by him or them to the said Bank, as well all debts contracted previous to such transfer and not then matured or exigible, as all debts then matured or exigible, which may exceed in amount the remaining stock (if any) belonging to such person or persons.

Provision in
case of the
transmission
of shares
otherwise
than by regu-
lar transfer.

36. If the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of the shareholders, and until such transmission shall have been so authenticated, no party or parties claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; and provided, also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or Agent of the Bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso : as
to authenti-
cation of the
requisite proof.

Proviso as to
fuller evidence.

If the change
of ownership
be by mar-
riage of a fe-
male share-
holders, or by
will, &c.

37. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission

transmission have taken place by virtue of any testamentary instrument or by intestacy the probate of the will, or the will itself, if authentic, or the letters of administration, or of tutorship, or an official extract therefrom, or the requisite certificates of birth and marriage, shall, together with such declaration, be produced and left with the Cashier or other officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission, in the register of shareholders.

38. Whenever the interest in any share or shares of the said Bank, or in the dividend accrued thereon, or the right of property in any deposit therein, shall be transmitted by the death of any shareholder, or otherwise, or whenever the ownership of, or legal right of possession in, any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the said Bank entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or deposit, then, and in such case, it shall be lawful for the said Bank to make and file, in the Superior Court for Lower Canada, a declaration and petition in writing, addressed to the Justice of the said Court, setting forth the facts, and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, or the amount of the deposits standing in the name of the depositor thereof, and praying for an order or judgment, adjudicating and awarding the said shares, dividends or deposits, to the party or parties legally entitled to the same, by which order or judgment the Bank shall be guided and held fully blameless and indemnified and released from all and every other claim, for the said shares or deposits arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits, who shall, upon the filing of such petition, establish his right to the shares, dividends or deposits referred to in such petition, and the delays to plead, and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; Provided, also, that the cost and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares, dividends or deposits shall be declared lawfully to belong, and such shares, dividends or deposits shall not be transferred or paid over, as the case may be, until such cost and expenses be paid, saving the recourse of such party against any party contesting his right.

Mode of obtaining the decision of the Court as to title to shares when the Bank entertains reasonable doubt.

Proviso.

Proviso.

39. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any share shall stand in the books of the Bank, or if it stand in the names of more parties than one,

Bank not bound to see to execution of trusts to which shares may be subject.

one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; and the transfer of any share or the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such shares, dividend or deposit, if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank, or to whose credit such deposits may appear therein, whether such person be ordinarily competent to make such transfer or receive such payment or not.

One-tenth of paid up capital to be invested in debentures.

40. It shall be the duty of the Directors of the said Bank to invest, as speedily as the debentures hereinafter mentioned can be procured, and to keep invested at all times in the debentures of this Province, or of the Consolidated Municipal Loan Fund, one-tenth part of the whole paid-up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and return.

Return to be made and attested.

Within what time the Bank must be in operation.

41. The said Bank shall be organized and put in operation within one year from the passing of this Act, and this Act shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Duration of this Act.

Public Act.

42. This Act shall be deemed a Public Act.

FORM OF SCHEDULE A,

Referred to in the Twentieth Section of the foregoing Act.

For valued received from _____ I (or we)
 of _____ do hereby assign and transfer unto the
 said _____ shares (on each of which have been
 paid _____ dollars _____ cents currency), amounting to the
 sum of _____ dollars _____ cents in the capital stock of
 the Mechanics' Bank, subject to the rules and regulations of the
 said Bank.

Witness

1865.

Mechanics' Bank.

Cap. 32.

73

Witness my (*or our*) hand (*or hands*) this
in the year one thousand eight hundred and

day of

Signature.

I (*or we*) do hereby accept the foregoing assignment of
shares in the stock of the Mechanics' Bank, assigned to
me (*or us*) as above mentioned, at the Bank, this day
of one thousand eight hundred and

(*Signature.*)

FORM OF SCHEDULE B,

Referred to in the Thirty-first Section of the foregoing Act.

Return of the average amount of liabilities and assets of the
Mechanics' Bank during the period from first to
one thousand eight hundred and

Liabilities.

Promissory Notes in circulation, not bearing interest... \$
Bills of Exchange in circulation, not bearing interest... \$
Bills and notes in circulation, bearing interest..... \$
Balances due to other banks..... \$
Cash deposits, not bearing interest..... \$
Cash deposits, bearing interest..... \$

Total average liabilities..... \$

Assets.

Coin and bullion..... \$
Landed or other property of the Bank \$
Government Securities..... \$
Promissory notes or bills of other banks..... \$
Balances due from other banks..... \$
Notes and bills discounted, or other debts due to the
Bank, not included under the foregoing heads..... \$

Total average Assets..... \$

C A P .

CAP. XXXIII.

An Act to amend the Acts relating to the Niagara District Bank.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the President and Directors of the Niagara District Bank have, by their petition, prayed that the time for subscribing and paying up the balance of the capital stock of the said Bank may be extended, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Period for
paying up the
capital of the
Bank extended.

1. For and notwithstanding any thing contained in the several Acts of the Parliament of this Province, relating to the said Bank, the sum still remaining to be subscribed, or unpaid on the capital stock of the said Bank, may be subscribed for or paid at any time within two years from the twelfth day of March next.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XXXIV.

An Act to legalize and confirm an agreement made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company and the Northern Railway Company of Canada, relating to the Toronto Esplanade, and for other purposes therein mentioned.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an agreement, bearing date the twenty-second day of December, in the year of Our Lord one thousand eight hundred and sixty four, has been made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company and the Northern Railway Company of Canada, for the settlement of differences, and to define the rights, privileges and obligations of the several Companies towards each other in respect to the Esplanade in the City of Toronto, and the use thereof, and for other purposes therein set forth, which said agreement is set out in the schedule to this Act ; And whereas the said Companies have petitioned that the said agreement may be confirmed, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Agreement
between cer-

1. The said agreement bearing date the twenty-second day of December, in the year of Our Lord one thousand eight hundred

hundred and sixty-four, and which forms the schedule to this Act, is hereby confirmed, and all and singular the provisions, stipulations, covenants and agreements, and other matters and things in the said agreement contained, shall be valid and binding upon the said several Railway Companies according to the tenor and effect of the said agreement.

tain Railway Companies in relation to Esplanade confirmed.

2. Esplanade Street shall be deemed a public highway, and it shall and may be lawful for the Corporation of the City of Toronto, to grant to the said several Railway Companies, a right of way over, upon and along twelve feet six inches off the south part thereof for railway purposes, as in the fifth clause of the said agreement provided; and the said right of way of twelve feet six inches and of the twelve feet six inches off the north part of the south forty feet of said Esplanade, shall be thereafter used and enjoyed by the said Railway Companies for railway purposes as in the said agreement mentioned.

Esplanade street to be deemed a public highway and railway companies may have a right of way thereon.

3. It shall and may be lawful for the said Railway Companies, to exercise, have and enjoy, in and upon the Toronto Esplanade, all and singular the rights, easements, privileges and powers in the said agreement mentioned; but the south twenty-seven feet six inches of the said south forty feet of said Esplanade shall, for railway purposes, be exclusively used and enjoyed by the said Grand Trunk Railway Company, as in the said agreement mentioned; provided that nothing in this Act or in the said agreement contained, shall be understood or construed to grant or convey to the said Railway Companies or any of them, an estate in fee in the said Esplanade or any part thereof.

Railway companies to have and exercise the rights, &c., stipulated in the agreement.

Provide.

4. It shall, from time to time, as the same may be required for public use, be the duty of the said Railway Companies, at their own expense as hereinafter specified, so to construct the spaces between the rails and between the tracks, and all the spaces on and over the southerly fifty-two feet six inches—the Grand Trunk Railway Company as to the south twenty-seven feet six inches, and the said three Companies as to the twenty-five feet north thereof—as shall be proper and sufficient for crossing the said rails and tracks at any point, and shall so construct the same as to the level at which the same shall be, relatively to the said rails and otherwise, and as to the materials to be used, such as ballast, broken stone, paving or planking, and as to the manner in which the same shall be so constructed, as the said Corporation of the City of Toronto shall approve, and shall always thereafter keep and maintain the same in an efficient state of repair upon notice from the said Corporation of the City of Toronto.

Spaces between tracts to be so constructed by Railway Companies as to be sufficient for crossing at any point.

5. The said companies shall not, nor shall either of them leave standing upon the said tracks or upon the switches,

Companies not to allowed their engines trains,

OR

etc., to remain standing on the tracts.

or upon the said twenty-five feet, any trains, cars, engines, materials, appliances, stock, freight, goods, or other things, other than those cars, engines and trains required for the purposes of their trade with the City of Toronto in loading or discharging freight and for passenger traffic, nor for any longer time nor more frequently nor otherwise than shall be necessary for such purposes, nor shall they discharge or unload their cars on any street crossing.

Settlement of differences between companies and corporation as to discharging of freight.

6. In the event of differences arising at any time between the Corporation of the City of Toronto and the said Railway Companies as to the loading, unloading, or discharging of freight, or the alleged inconvenience of the places where the same is conducted, or the times and manner of doing so, or any other obstructions arising out of any of the matters or causes in the last preceding section mentioned, the same shall be settled by reference to the Railway Inspector appointed or to be appointed by the Railway Commissioners.

Speed at which engines may be run.

7. It shall not be lawful for any or either of the said Railway Companies to run their engines or trains over or along said Esplanade at a greater rate of speed than four miles an hour, unless permitted so to do by by-law of the said Corporation of the City of Toronto, but in no case to exceed the rate of six miles an hour.

In case of refusal by Corporation to grant the portion of Esplanade street agreed upon, agreement to be inoperative.

8. In case the said Corporation of the City of Toronto shall refuse to grant the said twelve feet six inches of the south part of Esplanade street to the said Railway Companies, the agreement in the schedule to this Act and this Act shall become inoperative, and the said Corporation of the City of Toronto and the said Railway Companies shall severally be remitted to the position in which they severally were before the making of the said agreement first hereinbefore mentioned, notwithstanding anything in the said agreement or in this Act contained.

Public Act.

9. This Act shall be a Public Act.

SCHEDULE TO THE FOREGOING ACT.

Articles of agreement had, made, entered into, and fully agreed upon, the twenty-second day of December, in the year of Our Lord one thousand eight hundred and sixty-four, by and between the Grand Trunk Railway Company of Canada of the first part, the Great Western Railway Company of the second part, and the Northern Railway Company of Canada, of the third part :

Whereas differences have arisen between the said Railway Companies parties hereto as to their respective rights upon the Esplanade in the City of Toronto :—For the settlement of these differences

differences and clearly to define the rights, privileges and obligations of the said several Companies towards each other in respect to the said Esplanade, and the use thereof, they have mutually and respectively agreed to become parties to these presents, and to be bound by the covenants, provisions and stipulations, hereinafter contained.

Firstly.—It is hereby declared and agreed by and between the several companies, parties hereto, that it shall and may be lawful for the said Northern Railway Company, and their successors, and they are hereby fully authorized and empowered at any time when judged expedient by the said Company so to do, to lay down, construct, maintain and keep on the north twelve feet six inches of the south, forty feet of the said Esplanade, a track or tracks extending from their present railway station easterly to a point a short distance west of the lot known as Dr. Rees' lot, being the point where the main line of the Grand Trunk Railway now crosses Esplanade street near Rees' wharf, and at the said point to join and connect with the said Grand Trunk main line, and to run the trains, locomotives, and cars of any description of the said Northern Railway Company, on and over the said Grand Trunk main line, from the said point of intersection to York street; subject, nevertheless, to the provisions contained in clauses eight and nine of this agreement; and until such track shall be laid and constructed, it shall and may be lawful for, and the said Northern Railway Company are hereby expressly declared to have the right, easement, privilege and power to use one of the tracks of the said Grand Trunk Railway now laid from Brock to York street aforesaid, for the running of trains, cars and locomotives, and to connect at Brock street aforesaid, with the said Grand Trunk line by means of the necessary switch for that purpose.

Secondly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful, from time to time, and at all times hereafter, for the said Great Western Railway Company, and they are hereby declared to have the right, easement, privilege and power to join and connect with the said Grand Trunk Railway Company's main line by means of a switch at a point near Peter street, and to run the trains, locomotives and cars of any description of the said Great Western Railway Company, on and along the said Grand Trunk line from the point of junction aforesaid, easterly to York street aforesaid; subject, nevertheless, to the provisions contained in the eighth and ninth clauses of this agreement.

Thirdly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall be the duty of the said Grand Trunk Railway Company, with all reasonable speed, and on or before the fifteenth day

day of May, in the year of Our Lord, one thousand eight hundred and sixty-five, if the Act for legalizing and confirming the agreement hereinafter mentioned be passed during the next ensuing Session of Parliament, to make, build and lay a railway track of the proper gauge, and in a substantial and workmanlike manner on the north twelve feet six inches of the said south forty feet of the said Esplanade, extending easterly to the end of the said Esplanade from the point at York street, where the privilege of running over the said line of the Grand Trunk Railway granted to the said Northern Railway Company and the said Great Western Railway under clauses one and two of this agreement terminates, and it shall and may be lawful for the said several railway companies, parties hereto, to use and enjoy the said track so constructed, in common, for the traffic and running purposes of the said several railways; Provided always, that it shall not be lawful for the said Grand Trunk Railway Company to use the said track in any manner for the through traffic purposes of that company.

Fourthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that the south twenty-seven feet six inches of the said south forty feet of the said Esplanade, shall for railway purposes be vested in and exclusively used and enjoyed by the said Grand Trunk Railway Company.

Fifthly.—It is hereby further agreed by and between the said several companies, parties hereto, that application shall be made on behalf of said companies to the Corporation of the City of Toronto, to grant to the said several railway companies parties hereto, and their respective successors, twelve feet six inches in width of the south part of Esplanade street, adjoining the northern limit of the said south forty feet of the said Esplanade along the whole length of said Esplanade street, for railway purposes: and the said piece of land so granted shall be vested in the said several railway companies in common, to be used for sidings for loading and unloading freight, and purposes necessarily incidental thereto; such sidings to be completed on or before the fifteenth day of May, in the year of our Lord one thousand eight hundred and sixty-five.

Sixthly.—And it is hereby further declared and agreed by and between the said several railway companies, parties hereto, that application on their behalf shall be made to the parliament of this Province for an Act to legalize and confirm this agreement and the provisions therein contained, and to vest in the said several railway companies in common for railway purposes the said two strips of land of twelve feet six inches each, being the north twelve feet six inches of the said south forty feet of the said Esplanade, and the south twelve feet six inches of Esplanade street, together making a strip of land twenty-five feet in width along the whole length of the said Esplanade easterly

easterly from York street, subject nevertheless to the respective rights of the said several railway companies as herein declared in relation to each other ; And the manner of working the several trains of the said companies upon the said tracks on the twenty-five feet to be used in common, easterly from York street to the end of the Esplanade, shall be mutually agreed upon between the said companies, and failing such agreement shall be settled by arbitration in the manner provided for in clause twelve of this agreement ; and that upon the said Act being obtained, the grant by the City of Toronto of twenty-five feet of land along said Esplanade to the Great Western Railway Company and the Northern Railway Company shall become and be null and void ; Provided always, that nothing contained in clauses four, five and six of this agreement shall be held or taken in any way to interfere with the rights of the public as now existing, to cross for the purposes of ordinary traffic the fifty-two feet six inches used for making tracks, nor to prevent the said railway companies in the same manner as and as part of the general public crossing the same, but nothing herein contained shall authorize the crossing the same by means of railway tracks or rails.

Seventhly.—It is hereby further declared and agreed by and between the said several Railway Companies, parties hereto, that upon, from and after the passing of the said Act, all claim and right whatsoever which the Grand Trunk Railway Company may have, or pretend to have, to any right of way or other easement or privilege upon or through the grounds of the said Northern Railway Company, as now enclosed between Brock street and Bathurst street, shall cease, determine and be wholly void.

Eighthly.—It is hereby further declared and agreed by and between the said several Railway Companies, parties hereto, that from the points where the Northern Railway and the Great Western Railway respectively join the Grand Trunk line to York street, the use of said Grand Trunk line shall be in accordance with, and under the running regulations of the Grand Trunk Railway Company, and trains shall have precedence or rights in the following order :

- 1st. Grand Trunk passenger trains.
- 2nd. Passenger trains of the said other companies.
- 3rd. Freight trains of the Grand Trunk.
- 4th. Freight trains of the said other companies.
- 5th. Special and irregular, and other trains to be run in the same order, Grand Trunk first, and the trains of the same class or denomination as the Grand Trunk, of the other Companies, next in order.

Ninthly.—It is hereby further declared and agreed by and between the said Railway Companies, parties hereto, that the switches

switches and signals used in getting on and off the Grand Trunk line, when the said line is used by the said other Companies as well as at other times, shall be under the sole control and management of the Grand Trunk Railway Company, and the servants thereof.

Tenthly.—It is hereby further declared and agreed by and between the said Railway Companies, parties hereto, that the line of sidings to be laid and constructed on the said twelve feet six inches of the south part of Esplanade street, as mentioned in the fifth clause of his agreement, shall be divided among the said several Railway Companies in the manner to be hereafter mutually arranged between said Companies, or in case of disagreement, by arbitration as hereinafter provided.

Eleventhly.—It is hereby further declared and agreed by and between the said Railway Companies, parties hereto, that if the Act for the legalizing and confirming of this agreement is passed during the next ensuing Session of Parliament, the present track used by the Great Western Railway Company from Peter street to the Esplanade, shall be discontinued and removed by the fifteenth day of May, in the year of our Lord, one thousand eight hundred and sixty-five.

Twelfthly.—It is hereby further declared and agreed by and between the said Railway Companies, parties hereto, that the payments or compensation to be made by the said Companies respectively to the others or other of them for the facilities herein provided and exchanged between them respectively in relation to the use of the lines and sidings as set forth in this agreement, shall, in case the same cannot be mutually agreed upon within three months from the passing of the said Act, be settled and determined by the President of the Pennsylvania Central Railroad Company for the time being, and in the event of his refusing to act in the settlement thereof, then such payment or compensation shall be settled and determined by some other person to be mutually agreed upon by the said Companies respectively, and if the said Companies cannot agree upon such arbitrator, then upon application of any of the parties hereto, it shall be lawful for any one of the Judges of the Superior Courts at Toronto to nominate and appoint an arbitrator to determine such compensation; provided always, that any award to be made by the arbitrator under this agreement, so far as the same shall determine any charge (not being a payment for past capital expenditure) to be paid by any of the said companies to the others or other, shall be open to reconsideration and re-determination at the expiration of five years, and at the expiration of every succeeding five years, the arbitrator to be mutually agreed upon or appointed by Judge as hereinbefore determined.

Thirteenthly.

Thirteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that all legal proceedings at Law or in equity now pending between the said Companies or any of them, in relation to the said Esplanade, or the rights of the said Companies or any of them, to lay down tracks upon, or otherwise use the said Esplanade or any part thereof, or in any manner relating to the matters in this agreement provided for, shall for the present be suspended, and upon the passing of the said Act, shall be absolutely abandoned; and in case the said Act shall not be obtained, all such legal proceedings whether at Law or in Equity, shall or may be taken up and continued, as if this agreement had never been made; Provided always, that the party who had to take the next step on the twenty-second day of December, in the year, of our Lord one thousand eight hundred and sixty-four, shall have two weeks next after the end of the Session of Parliament in which the said Act shall be rejected, to take such step.

Fourteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful for the said Great Western Railway Company to make the connection of their line with the Grand Trunk line at Peter street at once; Provided always, that their present line shall remain as it is until the said Act is obtained, or if the said Act be obtained before the fifteenth day of May, one thousand eight hundred and sixty-five, then until the said fifteenth day of May, one thousand eight hundred and sixty-five.

Fifteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that it shall and may be lawful for the said Great Western Railway Company, and the said Northern Railway Company to use in common with the Grand Trunk Railway Company, the present sidings of the said Grand Trunk Railway Company on the said Esplanade, east of York street, until the arrangements by this agreement provided for, are carried into effect, or until the said Act shall be rejected.

Sixteenthly.—It is hereby further declared and agreed by and between the said several railway companies, parties hereto, that each of the said companies shall and will use every exertion and all fair and legitimate means to procure and obtain the passing of the said Act by the Parliament of this Province to legalize and carry into effect this agreement, and that they shall and will bear the expenses of obtaining the said Act or of the attempt so to do, and all necessary proceedings connected therewith and with this agreement, in equal proportions.

The said Grand Trunk Railway Company hereby covenants to and with the said Great Western Railway Company and the said

said Northern Railway Company respectively, that the said Grand Trunk Railway Company shall and will from time to time and at all times hereafter well and truly observe, perform, fulfil and keep all and every the stipulations and agreements hereinbefore contained, and which on the part and behalf of the said Grand Trunk Railway Company according to the tenor and effect, true intent and meaning of this agreement ought to be observed, performed, fulfilled and kept ; and shall not, nor will wilfully or improperly hinder or prevent the said Great Western Railway Company and the said Northern Railway Company, or either of them, in the due and proper use and exercise in accordance with this agreement, of any of the lines, switches, sidings or rights, easements or privileges to which they or either of them are by this agreement entitled, or to which they or either of them shall by the said Act become entitled, and shall and will at all times hereafter do all things necessary on their part to enable the said other companies to use the said portion of the said Grand Trunk line on which, by the terms of this agreement the said other companies have the right to run their trains, locomotives and cars in the manner hereinbefore in that behalf provided, according to the tenor and effect, true intent and meaning of these presents.

And the said Great Western Railway Company hereby covenants to and with the said Grand Trunk Railway Company and the said Northern Railway Company, and each of them, that the said the Great Western Railway Company shall and will in all things, on their part and behalf, well and truly observe, fulfil, perform and keep the stipulations and agreements herein contained, and shall not nor will, in the use of the said Grand Trunk line or sidings, or of the tracks and sidings to be constructed or jointly used as aforesaid; wilfully or improperly hinder or obstruct the just and reasonable use thereof by the said Grand Trunk Railway Company or the said Northern Railway Company contrary to the true intent and meaning of this agreement.

And the said Northern Railway Company doth hereby covenant to and with the said Grand Trunk Railway Company and the said Great Western Railway Company respectively, that the said Northern Railway Company shall and will in all things on their part and behalf well and truly observe, perform, fulfil and keep the stipulations and agreements herein contained, and shall not nor will in the use of the said Grand Trunk line or sidings, or of the track and sidings to be constructed or jointly used as aforesaid, wilfully or improperly hinder or obstruct the just and reasonable use thereof by the said Grand Trunk Railway Company or the said Great Western Railway Company contrary to the true intent and meaning of this agreement.

And

And lastly, it is hereby further agreed by and between the said railway companies, parties hereto, that each company shall have power at any time hereafter, to establish and work any passenger and freight station on the north side of Esplanade street, east of Bay street, that it may select, and shall have authority to purchase land for the same, and shall be at liberty to cross Esplanade street to such place and in such manner as may be necessary for convenient access to such station ; provided always, that no such crossing or access shall, in any way, interfere with or inconvenience any crossing or access to the station grounds of the other.

In witness whereof, the said several Railway Companies have hereunto set their respective Corporate Seals, the day and year first above written.

Sealed with the Corporate Seal of the
Grand Trunk Railway Company
by the Hon. James Ferrier who at
the same time and in my presence
delivered the same on behalf of the
said Company and affixed his
signature thereto.

W. WAINWRIGHT.

J. FERRIER,
Chairman.

Corporate Seal of
Grand Trunk Railway
Company.

Sealed with the Corporate Seal of
the Great Western Railway
Company by the Hon. William
McMaster, who at the same time
and in my presence delivered
the same on behalf of the said
Company and affixed his signature
thereto.

GEO. B. SPRIGGS.

W. McMASTER,
CHAIRMAN.

Corporate Seal of the
Great Western Rail-
way Company.

Witness to signature of Frederick
Cumberland.
J. PENNINGTON MACPHERSON.

FRED. CUMBERLAND,
Managing Director.
N. R. Co.

Witness to the signature of
Thomas Hamilton.
GEO. R. HAMILTON,

THO. HAMILTON,
Secretary N. R. Co.

Corporate Seal of the
Northern Railway
Company.

CAP. XXXV.

An Act for the relief of the Ottawa and Prescott Railway Company and for ensuring the efficient working of its Railway and for other purposes.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the interest on the bonds issued under the first mortgage and the interest on the second and third mortgages made by the Ottawa and Prescott Railway Company is in arrear, and the Company has also become otherwise deeply indebted and several of the creditors have obtained judgment against it, and the Railway is in the hands of a Receiver appointed by the Court of Chancery for Upper Canada at the instance and for the protection of certain of its bondholders; and whereas the said Railway is out of repair; and whereas the keeping open of the Railway for traffic, which is of the utmost importance to the interests of this Province, is by reason of the premises imperilled; and it is necessary that the said Railway and its franchises shall be absolutely sold to secure hereafter the uninterrupted working of the said Railway: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Provision for sale of railway and its franchises by any mortgage or judgment creditor.

1. Notwithstanding anything in any law or statute to the contrary, it shall be lawful for any mortgagee or judgment creditor of the said Company to proceed upon his mortgage or execution against lands, and sell thereunder the said Railway with all its lands, rights, privileges, franchises and appurtenances, and any mortgagee or creditor of the said Railway Company may become the purchaser of the said Railway at such sale; and such sale shall extinguish all mortgages, bonds, judgments and claims whatsoever existing at the time of the said sale of such Railway, and by and under such sale, whether made under power of sale in any mortgage, decree of the Court of Chancery in Upper Canada, or Sheriff's sale on such execution against lands as aforesaid, the said purchaser, his heirs or assigns, shall acquire a good title to the said Railway and all the lands, rights, privileges, franchises and appurtenances thereto belonging, or in any way appertaining, freed and discharged from any claim and incumbrance whatever, and shall have full power and authority to sell and dispose of the same, to use and work the said Railway under the Act of Incorporation of the said Railway Company, or any amendments thereof, as fully and effectually as if such Charter had been granted to such purchaser.

Title of purchaser guaranteed.

Application of the purchase money.

2. The purchase money upon such sale shall be paid to the several creditors of the Company according to their priorities,

as they may legally exist, or as may be settled by the said Court, and such purchaser, his heirs or assigns, may make such terms for the payment or security of the purchase money with such creditors as they may agree upon; provided, always, that nothing herein contained shall prevent, nor shall any Act, law or practice to the contrary, prevent any mortgagee or creditor of the said Company becoming the purchaser of the said Railway as aforesaid.

Proviso: any mortgagee may become the purchaser.

3. This Act shall be deemed a Public Act, and the Interpretation Act shall apply to it, in so far as is not inconsistent with the provisions of this Act. Public Act.

CAP. XXXVI.

An Act to amend the Act passed in the twenty-sixth year of the Reign of Her Majesty, relating to the Hamilton and Port Dover Railway Company.

[Assented to 18th March, 1865.]

WHEREAS by an Act passed in the twenty-sixth year of the Reign of Her Majesty, chapter sixteen, the time for the completion of the Hamilton and Port Dover Railway, is limited to two years after the passing of the said Act; and whereas the parties and corporations interested have petitioned that the time may be extended for one year, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The period of two years from the passing of the Act twenty-sixth Victoria, chapter sixteen, mentioned in the said Act, within which the Hamilton and Port Dover Railway was to be completed between the waters of Burlington Bay, in the city of Hamilton, and the village of Caledonia, is hereby extended for the period of one year next ensuing, from the fifth day of May, which will be in the year one thousand eight hundred and sixty-five, and the rights and liabilities of all parties interested, shall remain and continue the same during the said extended period as they would be if the said time limited in the said Act had been three years instead of two years.

Period for completion of railway extended one year.

CAP. XXXVII.

An Act to incorporate the Doon and Galt Railway Company.

[Assented to 18th March, 1865.]

WHEREAS Morris C. Lutz, William Osborne, and certain others, inhabitants of the town of Galt, and of the county adjacent thereto, have petitioned that an Act may be passed authorizing

Preamble.

authorizing the construction of a Railway from the village of Doon, in the county of Waterloo, to the town of Galt, and from there to some point on the line of the Buffalo and Lake Huron Railway, as may be deemed most expedient, and it is expedient that the prayer of the said petitioners be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain persons incorporated.

1. The said Morris C. Lutz and William Osborne, John Davidson, John Fleming, William Robinson, Thomas Stewart, John Kay, Andrew Elliott, Richard Blain, B. Wallace, Gavin Hume, John Ferrie, Alexander MacGregor, D. Speirs and William Quaril, with such other persons, corporations and municipalities as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the Doon and Galt Railway Company.

Certain clauses of Railway Act to apply to the Company.

2. The several clauses of the Railway Act with respect to the fourth, fifth and sixth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "working of the railway," "penal clauses," "actions for indemnity, and fines and penalties, and their prosecution," and "general provisions," shall be incorporated in this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as may be otherwise provided in this Act, and as this Act may be inconsistent therewith ; and the expression "this Act" when used herein, shall be understood to include the provisions of the "Railway Act," which are incorporated with this Act as aforesaid, except where inconsistent with any provision in this Act.

Power to construct a Railway from Doon to Galt, and thence to the Buffalo and Lake Huron Railway.

3. The said Company and their servants and agents shall have full power under this Act, to lay out, construct and complete a Railway from some point in the village of Doon, in the county of Waterloo, to the town of Galt, and thence to some point on the line of the Buffalo and Lake Huron Railway as may be deemed most expedient, with full power to pass over any portion of the counties through which said proposed line shall pass, or either and any of them, and to intersect and unite with said Buffalo and Lake Huron Railway, under the provisions of the statutes in such case made and provided.

Deeds of land to Company to be in the

4. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purposes of this Act, shall

shall and may as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act marked A ; and all Registrars are hereby required to register in the Registry Books such deeds, on the production thereof and proof of execution without any memorial, and to minute every such entry on the deed ; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence and no more.

form of Schedule A.

Their registration.

5. From and after the passing of this Act, the said John Davidson, the said William Osborne, the said Morris C. Lutz, the said Allen Cleghorn and David Goldie, shall be provisional Directors of the said Company, for carrying into effect the objects and purposes of this Act.

Provisional Directors.

6. The capital stock of the said Company shall not exceed four hundred thousand dollars, to be divided into eight thousand shares of fifty dollars each, which amount may be raised by any of the persons hereinbefore named, or by such other persons or corporations as may be shareholders in such stock.

Amount of capital stock and number of shares.

7. It shall and may be lawful for the provisional Directors, for the time being, of the said Company, or a majority of them, to supply the place or places of any of their number, from time to time, dying or declining to act as such provisional Director or Directors, out of the several owners of stock in their said Company, to the amount of at least five hundred dollars provincial currency each, during the period of their continuance in office ; and such provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions as the elected Directors of the said Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the " Railway Act " and of this Act, become invested with or subject unto respectively.

Power of Provisional Directors.

8. When and so soon as shares to an amount equivalent to three hundred thousand dollars provincial currency in the capital stock of the said Company be taken and subscribed for, and ten per centum thereon shall have been paid into some or one of the chartered Banks of this Province, it shall and may be lawful for the provisional Directors of the said Company, for the time being, to call a meeting at such place as may be named in said notice, of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company ; Provided always, that if the said provisional Directors shall neglect or omit to call such meeting, then the same may be called by any five of the holders of shares in the said Company, holding

Meeting of Shareholders and election of Directors.

Proviso.

Proviso.

holding among them no less than an amount equivalent to one hundred thousand dollars provincial currency ; and provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the town of Galt, and in the *Canada Gazette*, and also in some one newspaper published in each of the counties through which the said Railway shall pass or be intended to pass respectively ; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose five persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than five hundred dollars provincial currency, and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act ; Provided also, that such ten per centum shall not be withdrawn from such Bank or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever.

Proviso.

Duration of office of Directors.

9. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the expiration of one year from the passing of this Act, or such other day as shall be appointed by any by-law at the first general meeting of the Company ; and in each and every year after the passing of this Act, and after the said general meeting above named, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being, to choose five Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company ; but if at any time it should appear to any five or more of such Shareholders, holding together stock to the amount of one hundred thousand dollars at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such Shareholders holding such amount as aforesaid, or more of them, to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, or in such manner as the Company shall by any by-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively ; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them with respect to the matter so specified only ; and all such acts of the Shareholders or the majority of them at such special meeting assembled (such majority not having either as principals or proxies less than one thousand shares) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Annual and Special General meetings of Shareholders.

Capital stock \$300,000, in shares of \$100.

10. For the purpose of making, constructing and maintaining the Railway, or other works necessary for the proper use and enjoyment of the Railway, by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said

said Company for the time being to raise in such manner by loan, subscription of stock, issuing of shares or otherwise, as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of three hundred thousand dollars provincial currency ; such shares to be issued for sums of one hundred dollars provincial currency, each ; provided always, that the said capital sum may, from time to time, if necessary, be increased in the manner provided for by those clauses of the " Railway Act," which, in and by the second section of this Act, are incorporated with this Act. Proviso.

11. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver, all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities as to the said Directors for the time being shall, from time to time, seem most expedient for raising the necessary capital, for the time being authorized to be raised by the said Company, or for raising any part thereof. Directors may issue scrip and shares certificates, Bonds, Debentures, &c.

12. Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the Company are to be given, to one vote for every share of one hundred dollars currency held by him. One vote for every share.

13. All bonds, debentures and other securities shall be executed by the President for the time being, of the Company, and countersigned by the Secretary, and may be made payable to bearer ; and all such bonds, debentures, or other securities of the said Company, and all dividend and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names ; provided always, that no such debentures shall be issued for an amount less than one hundred dollars provincial currency. Securities to be signed and countersigned.
Warrants for dividends or interest, if payable to bearer, to be assignable by delivery.
Proviso.

14. Any meeting of the Directors of the said Company, regularly summoned, at which not less than three of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. Quorum of Directors.

15. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Company shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such call shall not exceed ten dollars per centum upon the stock so subscribed ; provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful Calls not to exceed ten per cent upon the Stock subscribed.
Proviso.

lawful for the provisional and other Directors of the said Company for the time being, to demand and receive, to and for the use of the said Company, the sum of ten dollars per centum upon the amount by such person or Corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or corporation respectively subscribing for stock.

Privileges of
resident and
non-resident
Aliens.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company ; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company ; but no shareholder shall be entitled in person or by proxy to vote at any election of Directors or at any general or special meeting of the shareholders of the said Company, who shall not have paid the aforesaid deposit of ten per centum, and all calls due upon his stock at the time of such election or meeting.

Mode of ob-
taining mate-
rials for road
without con-
sent of owner
thereof.

17. Where stone, gravel, or any other materials is or are required, for the construction or maintenance of said Railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required ; and they shall serve a copy thereof with their notice of arbitration on such owner ; and the said Company may thereupon proceed and ascertain the compensation by arbitration, as in case acquiring the roadway ; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway ; and all the provisions of the " Railway Act," as varied and modified by this Act and the several Acts amending the said Act as to the service of said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid ; and such proceedings may be had by the said Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary ; the notice of Arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay
sidings and
tracks over
intervening
lands for con-
veyance of
materials.

18. Where said gravel, stone or other materials, shall be taken under the preceding section of this Act, at a distance from the line of the Railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of the " Railway Act " and of this Act, except

except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the lands on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the Company may think proper; and the powers in this and the preceding section, may, at all times, be exercised and used in all respects after the Railway is constructed, for the purpose of repairing and maintaining the said Railway.

19. It shall not be lawful for the said Company to divert permanently or change the line of any public road or highway without the consent of the municipality in which such highway or public road is situate, until they have made a plan of such deviation, and submitted the same to the person performing, for the time being, the duties of the Government Inspector of Railways for his approval, a copy of which plan, signed by said Inspector, shall be deposited with the Clerk of the Peace of the county or united counties in which said diversion is situate; and the said Company, upon obtaining such sanction, and filing said plan, may divert such public road or highway in the manner shown on said plan; and further, in every case of making a deviation as above provided for, the Company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land or materials; and also the said Company, in all such cases, shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion; and in all such cases, if the Company require it for their Railway purposes, and in that case only, they shall have the right to take possession of and use the original highway so diverted; Provided always, and it is hereby enacted, that the Company may, with the consent of any municipality in which any public road or highway is situate, take, use and occupy any public allowance for road for the purposes of said Railway; the consent of any such municipality to be given by resolution or by-law, as the Municipal Council of such municipality may determine.

Proceedings
for diversion
of highway
with consent
of municipi-
pality.

Proviso.

20. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action may plead the general issue only, and give this Act and the special matter in evidence on trial.

Limitation of
actions.

21. The said Railway shall be commenced within three years, and completed within seven years, after the passing of this Act.

Railway to
be commenced
in three years
and complet-
ed in seven.

Railway may be worked by or leased to Grand Trunk Railway Company, &c.

22. The said Company incorporated by this Act, may enter into any arrangement with any Railway whose line it touches, or with the Grand Trunk Railway for the working of the said Railway, on such terms as the said two Companies may agree upon; or the said Company may lease the said Railway on such terms and conditions and for such period and at such rent as may be fixed and determined by the Directors of the said Companies.

Acts relating to such other Company then to apply to this Railway.

23. And in case of any such arrangement or lease, or of any agreement being made by the said The Grand Trunk Railway Company of Canada, or any other Company for working the said Railway as aforesaid, the said The Grand Trunk Railway Company of Canada, or other Railway Company may, and they are hereby authorized to work the said Railway in the same manner and in all respects as if incorporated with their own line; and all the Acts and parts of Acts relating to the powers of the said The Grand Trunk Railway Company of Canada, or such other Company for protecting their line and working the same, shall apply to the said Railway.

Grand Trunk Railway Company of Canada may hold stock in this Company.

24. The Grand Trunk Railway Company of Canada may subscribe for and become the holders of stock in the said Company, and the Managing Director, for the time being, may, under the authority of the direction of the said Company, subscribe for said stock and represent said stock, and vote thereon at all general and special meetings of the said Company incorporated under this Act; and any and all Municipal Corporations on the line of the said Railway may, by resolution of the Municipal Council, authorize the Reeve or Head of such Corporation to subscribe for stock in this Company in the name of said Corporation; and the Head of said Corporation, for the time being, shall have full power to and shall at all general and special meetings of the Company, in the name of the Corporation, vote upon and represent such stock.

Public Act.

25. This Act shall be a Public Act.

SCHEDULE A.

Know all men by these presents, that I, *(insert the name of wife also if she is to release her dower, or for any other reason to join in the conveyance,)* do hereby, in consideration of _____ paid to me *(or as the case may be)* by the Doon and Galt Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Doon and Galt Railway Company, their successors and assigns, for ever, all that certain parcel or tract of land situate *(describe the land)*, the same having been selected and laid out by the said Company for the purposes of their
Railway;

Railway ; to have and to hold the said land and premises, together with every thing appertaining thereto, to the said Doon and Galt Railway Company, their successors and assigns for ever, (*if dower to be released add,*) and I, (*name the wife*) release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*) this
day of , one thousand eight hundred
and

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered in the presence of

O. K.

CAP. XXXVIII.

An Act to incorporate the Grey and Simcoe Railway Company.

[*Assented to 18th March, 1865.*]

WHEREAS William K. Flesher, James Hopkins, Alexander Preamble.
Cochrane, Henry Wakefield, William H. Ryan, David
Winklee, John H. Yeomans, James Eage, S. B. Chaffey, Thomas
Gamey, Robert McGhee and Robert Montgomery, of the County
of Grey, and James Brocklebank and Thomas Wilson, of the
County of Bruce, have petitioned the Legislature for an Act of
Incorporation to construct a railway from the Town of Durham,
in the County of Grey, to some point on the Northern Railway
of Canada, in the County of Simcoe ; and it is expedient to
grant the prayer of the said petition : Therefore, Her Majesty,
by and with the advice and consent of the Legislative Council
and Assembly of Canada, enacts as follows :

1. The said William K. Flesher, James Hopkins, Alexander Incorporation
and corporate
name.
Cochrane, Henry Wakefield, William H. Ryan, David Winklee,
John H. Yeomans, James Eage, S. B. Chaffey, Thomas Gamey,
Robert McGhee, and Robert Montgomery, of the County of
Grey ; James Brocklebank and Thomas Wilson, of the County
of Bruce ; and George Jackson and David Jackson of the
County of Grey ; Thomas R. Ferguson and Thomas D.
McConkey, of the County of Simcoe ; R. J. Reekie, Honorable
George W. Allan, Honorable D. L. Macpherson, Honorable
John Ross, James Worts, John Macdonald, James Beaty and
Lewis Moffat, of the City of Toronto, together with such other
persons or corporations as shall become subscribers and
shareholders in the company hereby incorporated, shall be, and
are hereby ordained, constituted and declared to be a body
corporate and politic in fact, by and under the name and style
of "The Grey and Simcoe Railway Company."

Certain clauses of the Railway Act incorporated with this Act.

2 The several clauses of the Railway Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and Fines and Penalties and their Prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

Line or lines of railway to be constructed.

3. The said company and their servants shall have full power and authority to lay out, construct, make and finish a double or a single iron railway, at their own cost and charges, from the Town of Durham, in the County of Grey, to some point on the Northern Railway of Canada, in the county of Simcoe, and with power to connect with the said Northern Railway of Canada.

Capital stock, shares; increase.

4. The capital stock of the said company shall be one million dollars (with power to increase the same, as provided by the Railway Act), to be divided into twenty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and corporations as may become shareholders in such stock; and the money so raised shall be applied, in the first place, towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said railway, and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town or township, interested in the railway or otherwise, to pay out of the general funds of such municipality such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

Application of stock.

Proviso: as to preliminary expenses.

First board of directors.

5. The said Honorable D. L. Macpherson, Honorable George W. Allan, Thomas D. McConkey, Lewis Moffat, John Macdonald, William K. Flesher, George Jackson, R. J. Reekie, Thomas R. Ferguson, and David Jackson, with power to add to their number, shall be, and are hereby, constituted a board of directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority,

authority, immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Their powers.

6. The said directors are hereby empowered to take all necessary steps for opening the stock-books for the subscriptions of parties desirous of becoming shareholders in the said company; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the books, into the bank appointed by the directors, or into any of its branches or agencies, to the credit of the said company, five per centum of the amount so subscribed for, shall thereby become a member of the said company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said company.

Opening stock book for subscriptions.

Five per cent to be paid down.

7. And whereas it is desirable to commence and proceed with the work as soon as possible, and to make the road in sections, it is enacted that when and so soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and ten per centum paid thereon, and deposited in one of the Chartered Banks of this Province, for the purposes of the said company, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least two weeks' notice in newspapers published in the Counties of Grey and Simcoe, at which general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect eleven directors, in the manner and qualified as hereinafter provided, which said eleven directors shall constitute a board of directors, and shall hold office until others are elected in their stead; this Act, and all the provisions thereof, shall become null and void unless the construction of the said railway be commenced within three years, and completed within seven years of the passing of the same.

First general meeting of stockholders.

Election of directors.

Forfeiture of Act by non-user.

8. On the last Wednesday, in September in each year thereafter, there shall be holden a general meeting of the shareholders of the said company, in the Town of Durham or elsewhere, as may be appointed by by-law, at which meeting the shareholders shall elect eleven directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published, one month before the day of election, in one or more newspapers published in the Counties of Grey and Simcoe, and the election of directors shall be by ballot; and the persons

Yearly general meeting; election of directors.

Notice.

persons so elected, together with the *ex officio* directors under the Railway Act, shall form the board of directors.

Board of Eng-
lish directors.

9. One-third of the whole number of directors may be English directors, of whom the company, at any meeting of the shareholders called for that purpose in the usual manner, may form a board in London, England, for such purposes as they, in the said by-law, shall provide, or in any subsequent by-laws may from time to time provide; Provided always, that none of the powers to be so given shall be inconsistent with the provisions of this Act, but may be the same as the powers given in this Act to the board generally.

Proviso.

Directors may
vote by proxy.

10. Any director resident beyond the limits of this Province may appoint another director to be his proxy and to vote for him at the board, but no director shall act as proxy for more than two other directors; the appointment may be as follows, or to the like effect:

Form of
proxy.

" I appoint _____, of _____, Esquire, one
" of the directors of 'The Grey and Simcoe Railway Company,'
" to be my proxy as a director of that company, and as such
" proxy to vote for me at all meetings of the directors of that
" company, and generally to do all that I could myself do as
" such director, if personally present at such meeting.

" Dated this _____ day of _____ A. D. 18 ____.

" (Signature), _____ A. B.

" Witness, C. D."

Agency in
London, Eng-
land.

11. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain may be entered in the books at the London office, and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of
shares there.

List of trans-
fers in Eng-
land to be
forwarded to
Canada.

12. Whenever any transfer shall be made in England of any share of stock of the company, the delivery of the transfer duly executed to the agent of the company for the time being in London

London aforesaid, or to the secretary of the London board, if formed, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect of the share or stock so transferred, and such agent shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may, from time to time, make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act, and of the Railway Act, as altered and modified by this Act, shall be valid and binding.

Directors to make regulations.

13. The company shall, from time to time, cause the names of the several parties interested in the stock of the said company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and the several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to their respective interests therein, and such interests shall, in proportion to the amount thereof, confer on the respective holders the same privilege of voting, qualification and otherwise as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

Stock register to be kept. Its contents. &c.

14. Duplicates of all registers of shares and debentures of the company and of the shareholders thereof, or the stock register, which shall at any time be kept at the principal office of the company in this Province (such duplicate being authenticated by the signature of the secretary of the company) may be transmitted to and kept by the agent for the time being of the company in London aforesaid, or, in case of the formation of a London board, by the secretary to such board.

Duplicates of registers to be sent to and kept in England.

15. Whenever it shall be deemed expedient by the board of directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or forming a London board, as aforesaid, or for any other purpose, the directors may convene such meeting by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the company's chief office in Canada, or such other place in this Province as the directors shall appoint.

Special general meetings of shareholders, how called.

Notice of such meetings.

16. The notice of special general meetings of the company, for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the company, and also, if so ordered by the directors calling the same, in one or more of the daily morning newspapers published in London, England, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

Quorum of Directors.

17. Until otherwise provided by by-law of the company, a majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as a paid director; Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least twenty shares of the stock of the said company, and shall have paid up all calls upon the said stock.

Proviso : qualification of Directors.

Scale of votes.

18. In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting, and shall be entitled to vote either in person or by proxy.

Calls on Stock.

19. The directors may, at any time, call upon the shareholders for such instalments upon each share which they, or any of them, may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent. on the subscribed capital, and that sixty days' notice of each call shall be given in such manner as the directors shall think fit.

Conveyances of lands to the Company.

20. All deeds and conveyances of lands to the said company for the purposes of this Act, in so far as circumstances will admit, may be in the form of Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all registrars in their respective counties are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deed; and the registrar shall receive from the said company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Registration and fee therefor.

Company may be parties to notes, &c.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note, made or endorsed, or any such bill of exchange drawn,

drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso : not to issue bank notes.

22. The directors of the said company shall have the power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said company, present at any annual meeting in the month of September, for the purpose of electing directors, or at any other general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a general annual meeting, and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said company, and shall be a charge upon the said railway without registration; Provided, however, that the whole amount raised by such bonds shall not exceed one-half the capital stock of the company, nor be in excess of the amount actually paid up on its share capital at the time of the issue of such bonds; and provided also, that in the event, at any time, of the interest upon the bonds issued under the provisions of this Act having remained unpaid for one year, then, at the next ensuing general annual meeting of the company, all holders of bonds shall have and possess the same rights and privileges and qualification for directors and for voting, as are attached to shareholders, provided that the bonds shall first have been registered in the same manner as is provided for the registration of shares.

Company may issue debentures for money borrowed.

Proviso.

Proviso.

23. It shall be lawful for the said company to enter into any agreement with the Northern Railway of Canada for leasing the said Grey and Simcoe railway or any part thereof or the use thereof at any time or times for any period not exceeding twenty-one years to such other company, or for leasing

Company may enter into agreements with other Companies as to use of either

Company's
road by the
other, &c.

leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with such other company, touching the use by one or the other, or by both companies, of the railway or movable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof, and any Company or individual accepting and executing such lease, shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

Aliens may
hold stock,
vote, &c.

24. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Gauge.

25. The gauge of the said railway shall be five feet six inches.

Company
may purchase
lots of land
for gravel
pits, stations,
&c.

May dispose
of such lands
as they shall
not require.

26. And whereas it may be necessary for the said company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of the said railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: it is, therefore, enacted that it shall be lawful for the said company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of, or in trust for the said company, their successors and assigns, and it shall and may be lawful for the said company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, sidings, branches, woodyards, station-grounds or workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

Public Act.

27. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Know all men by these presents, that I, _____, (*insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance*) do hereby, in consideration of _____ (*paid to me, or as the case may be*) by The Grey and Simcoe Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Grey and Simcoe Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway : to have and to hold the said land and premises, together with everything appertaining thereto, to the said Grey and Simcoe Railway Company, their successors and assigns for ever (*if dower to be released, add*) and I (*name the wife*) release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*) this _____ day of _____, one thousand eight hundred and _____

A. B. (L. S.)
C. D. (L. S.)

Signed, sealed and delivered in the presence of

O. K.

CAP. XXXIX.

An Act to amend the Act incorporating the Quebec Street Railway Company.

[Assented to 18th March, 1865.]

WHEREAS the Quebec Street Railway Company have, by Preamble. their petition, represented that it was the intention of the Legislature that the Company should have power to lay a railway track in St. Vallier street from St. Joseph street to the toll-gate, but that the Quebec North Shore Turnpike Trustees (in whom is vested the said portion of St. Vallier street) have doubts whether they have power to grant the said Company permission to lay the railway track in the said street; and whereas the said Company have prayed that the law may be so amended as to remove the said doubts; and whereas also they have prayed to be allowed to run stages, omnibusses and sleighs in any of the streets of the City of Quebec, the adjoining municipalities, and on the turnpike roads leading from the said City; and whereas, by their Act of Incorporation, it is provided that no shareholder shall vote on any stock which has been held by him for less than three months, and

and it having been found necessary to enact by-laws before any of the stock had been held for that length of time, and doubts having arisen as to the legality of the said by-laws, the said Company have prayed that the same may be ratified and confirmed; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees of
Quebec North
Shore Turn-
pike Roads
may enter into
agreements
with the Com-
pany.

1. The Trustees of the Quebec North Shore Turnpike Roads are hereby authorized to enter into an agreement with the Quebec Street Railway Company, on such terms and conditions as may be agreed upon between the said Trustees and the said Company, for permission to lay a single railway track, with the necessary side-tracks, switches, turnouts and other appliances for the passage of cars upon and along St. Vallier street, in the banlieu of Quebec, from St. Joseph street, as far as the turnpike gate.

Company
may run
stages, &c.,
in streets, &c.

2. The said Company may run stages, omnibusses and sleighs on any of the streets in the City of Quebec and in the adjoining municipalities, and on any of the turnpike roads, and may charge such fares, and make such regulations for the conduct of passengers travelling by the said stages, omnibusses, or sleighs, as they may deem expedient; provided, however, that the Company shall first pay to the said City of Quebec, adjoining municipalities, or Turnpike Trustees, such licenses, fees, tax or tolls, as may now be lawfully exacted; but they shall not lay any Railway track on any such street or on any such road without the consent of the Corporation, Municipality or Trustees of the North Shore Turnpike road as the case may be.

Proviso.

Proviso: con-
sent to be ob-
tained before
tracks are laid.

By-laws of
Sept., 1864,
confirmed.

3. The By-laws of the said Company, as adopted at a general meeting of stockholders held on the eighth day of September in the year of our Lord one thousand eight hundred and sixty-four, are hereby ratified and confirmed.

Public Act.

4. This Act shall be deemed a Public Act.

C A P. X L .

An Act respecting "The Canadian Land and Emigration Company (Limited)," to facilitate proof of its incorporation for the execution of instruments and for other purposes.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Canadian Land and Emigration Company (Limited), was duly incorporated under the provisions of the Imperial Joint Stock Companies Act, 1856-1857,

1857, on the fifteenth day of April, one thousand eight hundred and sixty-one; and whereas the memorandum of association of the said Company and the articles of association thereof were duly registered under the Joint Stock Companies Act (Imperial), 1856-1857, by the Registrar of Joint Stock Companies, on the fifteenth day of April, one thousand eight hundred and sixty-one; and whereas the said Company hath purchased divers lands in this Province, which it is engaged in improving, settling and selling; and whereas the said Company hath petitioned for an Act to facilitate the proof of its incorporation, for the execution of instruments and otherwise to enable it more easily to carry on its transactions, and it is expedient to comply with such petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Canadian Land and Emigration Company (Limited) may, by any instrument under its Corporate Seal, from time to time appoint two or more attorneys or trustees in this Province, by whom the said Company may execute all such deeds, conveyances, leases and other instruments of any kind as may be necessary in carrying out the aforesaid objects of the Company or any of them.

Company may appoint trustees in Canada, for the execution of deeds, &c.

2. The said Company may commit to the custody of such attorneys or trustees for the time being, an official seal for the purpose of executing such deeds and instruments as aforesaid, and such seal, from time to time, may break, alter or renew, and such seal shall be deemed and taken to be the corporate seal of the said Company, for the execution of instruments within this Province, and every deed, conveyance, lease, bond or other written instrument of any kind, purporting to be under the corporate seal of the said Company, or under the aforesaid official seal of the said Company, entrusted to such attorneys or trustees, shall be receivable in evidence as *prima facie* proof in any court of law or equity, or in any legal or equitable proceeding or before any court or tribunal, or before the Legislative Council or Assembly, that such deed, conveyance, lease, bond or other written instrument has been duly executed by the said Company without any proof of the said corporate or official seal or either of them, or of the appointment, signature or official character of the person or persons purporting to have affixed such seal or seals or to have acted as such attorneys or trustees.

Trustees may have custody of official seal.

Deeds under such seal to be deemed authentic, in Courts of law.

3. Any deed, conveyance, lease or other written instrument or any memorial of any deed, conveyance or written instrument purporting to be under the corporate seal of the said Company, or under the official seal of the said Company, now or hereafter to be used by the attorneys or trustees of the said Company in this Province, under the forgoing provisions of this Act, shall

Deeds under such seal to be considered duly executed for registration purposes.

be

be considered as duly executed by the said Company or their said attorneys, as the case may be, for registration purposes, upon being produced to the Registrar of any County without any further proof or verification, provided the same is otherwise in accordance with the Registry Laws in force, and such Registrar shall register the same without any further proof of such corporate or official seal or other proof whatever.

Registration
of memoran-
dum and
articles of
association.

4. The said Company may register a copy of their memorandum and articles of association, verified under their corporate seal, in the office of the Registry of Deeds in and for the City of Toronto, and a printed or written copy of such memorandum and articles of association, certified by the Registrar of the City of Toronto, under his hand to be a true copy of the said memorandum and articles of association as registered in his office, shall be *prima facie* evidence of the same, respectively, and of all the particulars contained therein, respectively, in any court of law or equity or in any judicial proceeding, or before any court or tribunal, or before the Legislative Council or Assembly, in any suit, matter or cause whatsoever.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X L I .

An Act to enable the London Permanent Building and Savings Society to amalgamate with the Huron and Erie Savings and Loan Society.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is advisable to grant to the London Permanent Building and Savings Society and the Huron and Erie Savings and Loan Society, the power of amalgamating with each other: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Proceedings
by which the
two Societies
may become
amalgamated,
and effect of
such amalga-
mation.

1. Upon the execution by the President and Treasurer, for the time being, of the London Permanent Building and Savings Society, and by the President and Treasurer, for the time being, of the Huron and Erie Savings and Loan Society, of a declaration to the effect that it is their intention that an amalgamation of their two Societies shall thereupon take place, and upon such declaration being filed in the office of the Clerk of the Peace for the county of Middlesex, for which the said Clerk shall be entitled to receive the sum of fifty cents, the London Permanent Building and Savings Society shall forthwith be amalgamated with and shall merge in the Huron and Erie Savings and Loan Society, and all the real and personal estate, property, assets and effects, and all titles, securities, instruments

instruments and evidences, and all rights and claims of or belonging to the London Permanent Building and Savings Society, shall vest in the Huron and Erie Savings and Loan Society, and shall thenceforward, for all purposes of bringing or defending actions or suits, civil or criminal, and for all other purposes whatsoever, be deemed to be, and shall be stated to be the property of the President and Treasurer of the Huron and Erie Savings and Loan Society, for the use of the said Society, in the same manner, in and to the same extent to which the property now of the said last-mentioned Society is stated, deemed and taken to be the property of its President and Treasurer, and the Huron and Erie Savings and Loan Society shall have the same and such powers, rights and privileges in relation to the said property, of all descriptions, as the London Permanent Building and Savings Society now has or shall have at the time of such amalgamation; but no suit, action or prosecution being carried on, or power being exercised in the names of the President and Treasurer of the London Permanent Building and Savings Society, shall be discontinued or abated, by or on account of such amalgamation, but shall continue in their names, and the Huron and Erie Savings and Loan Society shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit, or prosecution had been commenced or been defended in the names of the President and Treasurer of the Huron and Erie Savings and Loan Society, for the benefit of, or to be satisfied out of the Huron and Erie Savings and Loan Society.

2. The holders of what is known as accumulating shares, being shares subscribed for investment, but not yet matured or paid up in full in the London Permanent Building and Savings Society, shall, upon such amalgamation, be and become shareholders of a like degree in the Huron and Erie Savings and Loan Society, as fully and effectually, to all intents and purposes, as if they had originally subscribed for their stock in the Huron and Erie Savings and Loan Society instead of in the London Permanent Building and Savings Society, and shall in all things be subject to the same rules, and entitled to the same rights and privileges as the original shareholders of the Huron and Erie Savings and Loan Society; provided, however, that such shares shall not be credited with or receive any of the profits of the Huron and Erie Savings and Loan Society made anterior to the amalgamation, and shall be and remain credited with such sums as they shall at the date of the amalgamation be credited with as profits in the books of the London Permanent Building and Savings Society.

Shareholders
of L. P. B. &
S. Society to
become share-
holders of H.
& E. S. & L.
Society.

Proviso.

3. The creditors of the London Permanent Building and Savings Society shall, upon such amalgamation, be and become to all intents and purposes, creditors of the Huron and Erie Savings and Loan Society, and shall have, and be entitled to, the same rights and privileges as creditors of the Huron and Erie

Creditors of
L. P. B. & S.
Society to be-
come credi-
tors of H. &
E. S. & L. So-
ciety:

Erie Savings and Loan Society as they previously had been and were entitled to as creditors of the London Permanent Building and Savings Society.

Shares in L.
P. B & S. So-
ciety to be-
come shares
in H. & E. S.
& L. Society.

Proviso.

4. The shares known as permanent or invested shares in the books of the London Permanent Building and Savings Society shall, upon such amalgamation, be and become invested shares and fixed or permanent capital in the Huron and Erie Savings and Loan Society, in the same manner and under the same rules as if the same had originally been subscribed in the said last mentioned Society, and had become such invested shares or fixed or permanent capital in the said last mentioned Society, on the day of the said amalgamation; provided, however, that any of the holders of such shares may, nevertheless at any time within three months from the date of such amalgamation, convert the whole or any number of their permanent shares into an equal number of paid-up accumulating shares, being shares subscribed for investment, but not yet matured and of the class which matures in fifty months according to the rules of the Huron and Erie Savings and Loan Society, which shares shall not be withdrawable from the said Society before the expiration of the said fifty months, save with the consent of the Directors thereof; and such conversion shall be effected by the member who intends to effect the same, subscribing in respect of such shares to the rules of the Huron and Erie Savings and Loan Society, in the usual way as when subscribing for shares, and at the same time declaring his intention in writing to convert such permanent shares into paid up accumulating shares, withdrawable from the Huron and Erie Savings and Loan Society at the end of fifty months.

Act only to
take effect on
being approved
by shareholders
interested.

5. This Act shall be subject to, and shall not come into force or effect until approved of by a vote of two thirds of the shareholders of each society, present in person or by proxy, at a meeting to be specially called for that purpose.

Public Act.

6. This Act shall be a Public Act.

C A P . X L I I .

An Act to incorporate the Montreal Investment Association.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the persons hereinafter named, and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain per-
sons incorpo-
rated.

1. Donald Lorn MacDougall, Ferdinand McCulloch, Edward Martin Hopkins, Thomas Reynolds, James Ferrier (who shall be

be provisional directors) and all other person and persons, body and bodies politic, as shall, from time to time, be possessed of any share or shares in the undertaking shall be united into a Company, and shall be one body politic and corporate by the name of "The Montreal Investment Association," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded, in all Courts whatsoever.

Corporate
name, &c.

2. The Association may acquire, hold and dispose of public securities, stocks, bonds or debentures of any corporate bodies, the bonds and debentures and other evidences of debt of the Government, municipal debentures, or debentures issued by the Government of Canada in exchange for those of any town, city or municipality of this Province, constituted and ground rents, but not arrears of *cens et rentes*, and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and the titles or evidences thereof, and shall, by the acquisition thereof, be subrogated in and have all the rights of the parties from whom the same, or any of them, shall be acquired.

Association
may acquire
certain
securities.

3. The capital stock of the Association shall be one million dollars, divided into five thousand shares, of two hundred dollars each, and may be increased to an amount not exceeding two million dollars by a vote of two-thirds of the shareholders present, or represented, at any annual or special meeting to be called for that purpose; provided that stock to the amount of one hundred thousand dollars shall be subscribed and paid up before the association shall go into operation.

Capital and
provision for
increase.

Proviso.

4. The Directors may issue the said shares of capital stock, or such number of them as they shall see fit, in separate classes or denominations, and distinguish each class or denomination as may be convenient, and may determine out of what investments or profits dividends shall be declared, upon such classes of stock respectively; and, upon their so doing, the profits derived or losses arising from investments under one class of stock, shall not be participated in or borne by the holders of any other class of stock as such; provided, that the Directors may apportion the expenses of management in an equitable manner among all classes of stock.

Stock may be
issued in
separate
classes.

Proviso.

5. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the Association, at such rates of interest and upon such terms as they may think proper; and the Directors may, for that purpose, make, or cause to be made, bonds or other instruments under the common seal of the Association, for sums of not less than four hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached; provided, that the aggregate of the sum or sums so borrowed shall not at any time exceed

Borrowing
powers of the
Association.

exceed the amount of the subscribed capital of the Association for the time being, not paid up, and no lender shall be bound to inquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

To act as a Trust Association and deal in certain securities.

6. The Association is empowered to act as an Agency and Trust Association, and may hold, invest and deal in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall, from time to time, be transferred or delivered to the Association upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Association may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

Association may hold real estate.

7. The Association may hold such Real Estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease, or otherwise dispose of the same; provided always, that the Association shall sell any such Real Estate within five years after so acquiring it.

When such real estate may be sold.

May have an office in London, England.

8. The Association may have an office in London, England, for such purposes as the Directors shall determine, and the bonds, coupons or dividends of the Association may be made payable at any place in London aforesaid and in sterling or currency.

How transmission of interest otherwise than by transfer shall be authenticated.

9. The transmission of the interest in any share of the Capital Stock, in consequence of the marriage, death, bankruptcy, or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall from time to time require or by any By-law may direct; and in case the transmission of any shares of the Capital Stock of the Association shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Association and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Association; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

10. If the Directors of the Association shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Association to make and file in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Association shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; provided also, that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Association may obtain opinion of Superior Court.

Proviso, as to notice to be given to claimants.

Proviso, as to costs.

11. The Joint Stock Companies' General Clauses Consolidation Act, being the Act twenty-fourth Victoria, chapter eighteen, shall extend and apply to the purposes for which the parties hereinbefore named are incorporated; and the said Association shall have all the powers and benefits, and be subject to the liabilities, duties and restrictions given to and imposed upon incorporated Joint Stock Companies by the following sections of the said Joint Stock Companies' General Clauses Consolidation Act, which are accordingly hereby made applicable to the said Association, and shall be incorporated with and form part of this Act, and be construed as forming one Act therewith, that is to say: the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-seventh, thirtieth, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth and forty-first sections of the said Joint Stock Companies' General Clauses Consolidation Act; and the words "The Company," in the said clauses, shall, in so far as the same are incorporated in this Act, be read as "The Association."

Certain clauses of 24 Vic., cap. 18, to apply to Association.

Clauses incorporated.

12. This Act shall be a Public Act.

Public Act.

C A P .

CAP. XLIII.

An Act to incorporate "The Sun Insurance Company of Montreal."

[Assented to 18th March, 1865.]

Preamble.

WHEREAS George Stephen, M. H. Gault, Thomas Gordon, William Dow, J. Glennon, G. H. Frothingham, A. W. Ogilvie, Henry Thomas, James Hutton, Henry Mulholland, James Ferrier, the younger, and others, have petitioned the Legislature that an association, under the style and title of "The Sun Insurance Company of Montreal," may be incorporated, to enable parties owners of or interested in property to insure the same against loss by fire, and also to carry on the business of marine and inland navigation assurance, and life assurance generally; And whereas such associations are greatly beneficial to the interests of this Province, and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such assurances: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. All such persons as now are, or hereafter shall become, stockholders of the said association shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of "The Sun Insurance Company of Montreal," and shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the rules and conditions hereinafter mentioned.

Value of shares.

Amount of capital.

Increase thereof.

2. A share in the stock of the said company shall be one hundred dollars, and the capital of the company shall be two millions of dollars; and books of subscription shall be opened in the city of Montreal, and in such other of the principal cities and towns of the Province as the directors shall see fit, of which public notice shall be given by such person or persons and under such regulations, as the majority of the directors hereinafter appointed shall direct; Provided always, that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding four millions of dollars, as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon.

Subscription for shares.

3. It shall be lawful for any person or persons, or body politic, to subscribe for such and so many shares as he, she or they may think fit, not however exceeding, during the first month the subscription books are opened, two hundred shares; and two dollars per cent shall be paid at the time of subscription, and eight dollars per cent additional shall be called for by the directors as soon as they may deem expedient, and the

the remainder shall be payable in such instalments as the majority of the directors may determine upon; Provided always, that no instalment shall exceed ten per cent, upon the capital stock in any period of four months, nor be called for nor become payable in less than sixty days after public notice shall have been given in one newspaper published in the city of Montreal and the *Canada Gazette*, and by circular addressed to each stockholder at his, her or their last known residence; if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said directors the instalment due on any share or shares held by him, her or them at the time required so to do, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interests, together with the expense of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Proviso.

Forfeiture of shares in certain cases.

Proviso.

4. If payment of such arrears of calls, interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such calls had been duly paid; and in all actions or suits for the recovery of such arrears on calls, it shall be sufficient for the said company to declare in an action of debt in manner following:

In case of payment of arrears.

" For that whereas the defendant heretofore, to wit: on the
 " day of , eighteen
 " hundred , was indebted to 'The Sun Insurance
 " Company of Montreal' in the sum of , for divers
 " calls and dues upon certain stock and shares of the said com-
 " pany, held by defendant before, then due and unpaid upon
 " the said stock and shares, and being so indebted then became
 " liable to pay the said amount to the said plaintiffs, whereby
 " an action hath accrued to the said plaintiffs, to ask and
 " demand the same from the defendant; yet the defendant,
 " although often requested, hath not paid the same or any part
 " thereof, to the plaintiffs' damage of : Wherefore
 " they bring the suit, &c."

Form of Declaration.

And it shall only be necessary to prove that the defendant was owner of some shares in the company, that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, nor any other matter whatsoever.

Proof.

Increase of
subscription
for shares.

5. Provided that if the whole number of shares shall not be subscribed for, within one month after the said books of subscription shall be opened, then it shall be lawful for any former subscriber or subscribers to increase his, her or their subscription ; And provided further, that if the total amount of subscriptions within the period aforesaid shall exceed the capital stock, limited by this Act to two millions of dollars, then and in such case the shares of each subscriber of above ten shares shall, as nearly as may be, be proportionably reduced until the total number of shares be brought down to the limits aforesaid ; And provided, nevertheless, that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend or be construed to extend to prevent the acquisition of a greater number of shares by purchase, after the said corporation shall have commenced its operations.

Limitation
restricted.

Powers and
authority of
Corporation.

6. The corporation hereby erected shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding, and either sea-going or navigating upon lakes, rivers or navigable waters, against loss or damage by fire, water, or any other risk whatever, and in like manner on any goods, chattels or personal estate whatsoever, whether on shore or afloat ; and to make and effect assurances on life or lives, or in any manner dependent on life or lives, and also against all accidents whatever either by land or sea, and against sickness, and also against all error, default, irregularity, misconduct, dishonesty or malversation of clerks and employes of every description, depositaries, warehousemen, and all persons employed about the management of the affairs of others, in whole or in part, or entrusted with their property, moneys or effects, and to grant annuities, and to purchase reversionary interests, under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Corporation
may acquire
and hold real
estate.

7. The said corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding, absolutely or conditionally, any lands, tenements, real or personal estate, and the same may sell, let, release, transfer and dispose of as to them shall seem expedient ; Provided always, that nothing herein contained shall be considered as permission to hold any real estate beyond the annual value of five thousand dollars, or such as shall have been *bond fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have

Annual value
of real estate.

have been obtained for such debts ; And provided also, that it shall not be lawful for the said corporation to deal, use or employ any part of the stock, funds or moneys thereof in buying or selling any goods, wares or merchandise, or in any banking operations whatsoever ; but it shall, nevertheless, be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of the said funds or money, any of the public securities of this Province, the stocks of any of the banks or other chartered companies, and the bonds and debentures of any of the incorporated cities or towns, or municipal districts, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said company shall require, and also to make loans of the funds on bond and mortgage at any legal rate of interest, and with power to receive the same in advance, and the same investments to call in and re-loan as occasion may require.

8. The property, affairs and concerns of the said company shall be managed and conducted by a board of nine directors, one of whom shall be chosen president and one vice-president, which board, in the first instance and until others shall be chosen and appointed as hereafter provided, shall consist of George Stephen, Amable Prévost, John Caverhill, Benjamin Lyman, Théodore Doucet, Thomas Tiffin, William Darling, and George Winks, all of the City of Montreal, and which said directors shall hold their offices until the election hereinafter provided for shall take place. Provisional Directors.

9. As soon as at least four thousand shares shall have been taken up and one hundred thousand dollars paid in on account of the subscribed capital of the company, it shall and may be lawful for the shareholders or subscribers to proceed to the election by ballot of nine directors, at such time and place as the present board shall appoint, giving fifteen days' notice thereof in the *Canada Gazette*, and in one newspaper at least in the City of Montreal, which directors shall be subjects of Her Majesty, and stockholders at the time of their election and during their continuance in office to the amount of fifty shares, and shall have power to choose from among themselves a president and vice-president ; and the said directors shall thereupon, at their first meeting thereafter, divide themselves by lot into three classes of three each, who shall go out of office in rotation as hereinafter provided for ; Provided always Election of first Board of Directors. Qualification of Directors. Proviso. that before the company shall commence the Life Department of their business, the sum of eight hundred thousand dollars of the stock of the company shall have been subscribed for, and an additional sum of one hundred thousand dollars paid up and invested in securities of the Province for the special security of the assurances on lives to be effected with the company.

Scale of votes.

10. Each stockholder shall be entitled to one vote for each share which he or she shall have held in his or her name, at least one month prior to the time of voting ; and all votes given at any meeting may be either personally or by proxy, the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating such proxy, and every propositions at any such meeting shall be determined by a majority of the votes of the parties present, including proxies.

Case of vacancy among Directors.

11. If any director of the said corporation shall die, resign or become disqualified, or incompetent to act as a director, or shall cease to be a director through any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place any stockholder duly qualified to be a director, and the stockholder so elected to fill up any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the stockholders then present shall elect a new director, who shall hold office for the same period as the director would have done, whose death, resignation or disqualification caused the vacancy.

Annual General Meetings.

12. A general meeting of the shareholders of the said company shall be held in the City of Montreal, on such day in each and every year, as a majority of the said directors shall appoint, after giving thirty days' notice thereof ; and at such meeting the three directors, whose names stand first on the list of directors, shall be held to vacate their seats, and the stockholders present at such meeting, either in person or by proxy, shall proceed to elect, by ballot, three directors to serve as directors for the ensuing year, who shall, upon election, be placed at the bottom of the roll of directors ; Provided always, that nothing herein contained shall be held to render the retiring director ineligible for re-election.

Proviso.

Annual statement of affairs.

13. At the annual general meeting of the company, and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property and securities, shewing the amount in real estate, in bonds and mortgages and other securities, or in public debt or other stock, and the amount of debt due to and by the said company.

Failure to elect Directors not to operate a dissolution.

14. If it shall happen at any time, or for any cause, that an election of directors shall not be made on any day when, pursuant to this Act or the ordinances of the Company, it ought to have been made, the said corporation shall not for that cause be dissolved ; but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws or ordinances of the Company, and the directors in office shall so continue until a new election shall be made.

15.

15. Any number of Directors of the said Company, being a majority of the said Directors, shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the rates and amount of assurance and issuing of policies, the management and disposition of its stock, property, estate and effects, and also to call in any instalment or instalments at such times and seasons as they shall see fit, giving due notice thereof as hereinafter provided ; and also, to declare and cause to be paid or distributed to the respective stockholders of the Company any dividend or dividends of profit, at such times and seasons as they shall deem expedient ; and also, to appoint a managing Director, secretary and treasurer, or any of them, with such salary or allowances to each, as well as to other officers or agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think advisable ; provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

Directors
may make
by-laws, &c.

Appointment of
Managing Di-
rectors, &c.

16. It shall be lawful for a majority of the said Directors, if they shall deem it for the interest of the said Company, to return to the holders of policies or other instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable, and to enter into obligations so to do either by endorsements on the policies or otherwise ; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the said Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

Payment of
profits to
policy hold-
ers.

17. There shall be a weekly or semi-monthly (as may be fixed by the By-laws of the Company) meeting of the board of Directors of the said Company, and any three or more of the said Directors shall be a quorum for the purpose of transacting and managing the details of the business and affairs of the said Company ; and at all meetings of the board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the president, vice-president or presiding Director, shall give the casting vote over and above his proper vote as a Director ; provided always, that nothing herein contained shall be construed to authorize the making, altering or repealing of any By-laws or ordinances of the said Company, or calling any instalments on stock, or declaring dividends of profits, or the appointment of managing Director, Secretary or Treasurer, or the appointments

Meetings of
Board of Di-
rectors.

Quorum.

Casting vote

of salaries to, or securities from, officers or agents of the said Company, by any less number of Directors, or in any other manner than is hereinbefore mentioned and provided.

Compensation to directors for attendance at board meetings.

18. The Directors for the time being shall receive a reasonable compensation for the attendance at the board, to be ascertained and determined by a By-law or rule of the board; and the said Directors shall be indemnified and saved harmless by the members of the said corporation in proportion to their several interests in the same, in and for their giving out and signing policies of assurance, and all other lawful acts, deeds and transactions done and performed in pursuance of this Act, and neither shall the said Directors be answerable for, or chargeable with, the defaults, neglects or misdeeds of others of them.

Signing of policies, &c.

19. All policies, checks or other instruments issued or entered into by the said Company, shall be signed by the president, vice-president or managing Director and countersigned by the secretary, or as otherwise directed by the rules and regulations of the Company, in case of their absence, and being so signed and countersigned, and under the seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Transfer of shares how effected.

20. No transfer of any share of the said corporation shall be valid until entered in the books of the corporation, according to such form as the Directors may, from time to time, determine, and until the whole of the capital stock of the said corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; provided always, that no stockholder indebted to the said corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the Directors.

Misconduct of officers &c.

21. Any person, who, as secretary, clerk or other officer of the Company, shall be guilty of any designed falsehood or fraud, in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors of the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor.

Assurances to be void in certain cases.

22. If any insurance on any house or building shall be, and subsist in the said Company, and in any other office or form, and by any other person or persons at the same time, the assurance made in and by the Company hereby incorporated, shall be deemed and become void, unless such double assurance subsist with the consent of the Directors, signified by endorsement

endorsement on the policy, signed by the president, vice-president, managing director, secretary or otherwise, as directed by the by-laws and regulations of the company.

23. In all actions, suits and prosecutions in which the said company may be at any time engaged, any officer or stockholder in the said company shall be a competent witness notwithstanding any interests he may have therein. Officers, &c., may be witnesses in suits.

24. The said Company shall, when required so to do by either of the three branches of the Legislature, present a return, under oath, of the amount of real estate held by the said corporation, the amount of capital stock subscribed and paid up, with a list of the shareholders and the stock subscribed by each, and the names of the directors, together with a statement of the amount of risks paid during the past year, the amount of risks for which the Company is liable, the amount paid the stockholders in dividends and bonuses, and the amount of money in hand at the time of making the return. Return to Legislature when required.

25. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further. Liability of shareholders.

26. This Act is hereby declared a Public Act. Public Act.

27. The present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy. Forfeiture for non-user.

28. The corporate rights hereby conferred, shall, at all times hereafter, be subject to the provisions of any general enactment hereafter to be passed with reference to Insurance Companies or the business of insurance. Rights conferred by this Act to be subject to future legislation.

CAP. XLIV.

An Act to amend the Act incorporating the Quebec Marine Insurance Company.

[Assented to 18th March, 1865.]

WHEREAS the Quebec Marine Insurance Company have, by petition, represented that it would be for the interest of the Shareholders and the public if the number forming the quorum of their Board of Directors were reduced, and have prayed for such amendment; and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Of the number of directors named in the Act incorporating the said Company, three shall form a *quorum*, and shall possess Quorum of Directors reduced to three.

possess all the powers and privileges conferred upon the number therein named to form a quorum.

Public Act. **2.** This Act shall be deemed a Public Act.

C A P . X L V .

An Act to amend the Act of incorporation of the
Richelieu Company, and the Act amending the same.

[Assented to 18th March, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Capital increased.

1. The capital of the said Company is hereby increased and limited to the sum of one million of dollars, divided into ten thousand shares of one hundred dollars each, and the amount heretofore subscribed shall form part of the said capital.

Section repealed.

2. Section two of the said Act is hereby repealed.

Further powers conferred on the company.

3. In addition to the powers conferred on the said company by the said Act of incorporation, and the Act amending it, passed in the twenty-fifth year of Her Majesty's reign, and chaptered sixty-nine, the following are conferred on the said company :

Company may perform towage of vessels, subject to the usual liabilities.

And the said company shall be empowered to perform the towage of all rafts and vessels and of vessels carrying freight or passengers upon such terms, and at such rates and charges as may be agreed upon with the proprietors and masters of all such vessels or rafts, at any time and under any circumstances ; and the said company shall be subject to all the liabilities and be invested with all rights of action, in all courts of justice, that arise out of such agreements ; and this provision shall be deemed to form part of the first section of the Act amending the Act of incorporation of the said company.

New section.

4. The following section shall be inserted after the fourth section of the said amendment Act :

Stock of shareholders indebted to Company may be sold in certain cases for payment of such debts.

“ The said Company shall be empowered to sell by public auction at its office, three months after the annual meeting of the said company, and after sufficient notice shall have been given by letter addressed through the Post Office, and also by notice in two newspapers, one in the English and the other in the French language, published in the locality in which the shareholder in default resides, and in the event of there being no such newspapers in the locality, then in the City of Montreal, all shares of stock of the said Company, the property of such stockholders

stockholders as may be indebted to the said Company for any of the causes cited in the next preceding section ; and the said Company shall, out of the proceeds of such sale, retain the whole or so much thereof as may be required to pay the entire amount of its claim, the cost of advertisement, and of the crier, and other costs legitimately incurred, and shall return the balance, if any, to the said shareholder ; and the purchaser of such shares shall be and become by the fact of his purchase a shareholder in the said Company to the extent of the whole of such shares or part thereof sold under the provisions of this section."

C A P . X L V I .

An Act to amend the Act incorporating the St. Lawrence Tow Boat Company.

[Assented to 18th March, 1865.]

WHEREAS the St. Lawrence Tow Boat Company have Preamble.
petitioned for additional powers and certain amendments to their Act of Incorporation, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. In addition to the powers by the said Act conferred upon the said Company, they are hereby empowered to carry Company empowered to carry passengers.
passengers on all the navigable waters of this Province ; Provided, always, that the said Company shall comply with the provisions of any Law now or hereafter to be in force in this Province, for the care, safety or carriage of passengers.

2. The fifth section of the said Act is hereby amended by Fifth section of charter amended.
repealing the word " January " therein contained, and substituting therefore the word " February . "

3. The eleventh section of the said Act is hereby amended Eleventh section amended.
by repealing the word " December " and substituting therefore the word " January . "

4. Suits at Law or in Equity may be prosecuted and maintained by any member against the said Company ; and any member of the Company not being in his individual capacity a party to such suit, shall be competent as a witness in suits Suits may be brought against company by its members.
and legal proceedings, by or against the Company.

5. This Act shall be deemed a Public Act.

Public Act.

C A P .

CAP. XLVII.

An Act respecting the Canadian Engine and Machinery Company.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Canadian Engine and Machinery Company have, by their petition, represented, that they are an incorporated Company under chapter sixty-three of the Consolidated Statutes of Canada, and in order to increase their powers and their capital and to give them the necessary facilities to extend and enlarge their works for the manufacture of Locomotive Steam Engines, Marine Steam Engines and Railway Cars, Rolling Stock of all kinds for Railways, and generally for the manufacture of iron work of all kinds, they desire to have their incorporation changed and to be brought under the Joint Stock Companies General Clauses Consolidation Act of this Province, as varied by this Act; and whereas it is expedient to grant the prayer of said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Shareholders
in existing
Company to
be a body cor-
porate—cor-
porate name.

1. From and after the passing of this Act, the shareholders in the said Canadian Engine and Machinery Company, that is to say: Charles John Brydges, Robert Cassels, Joseph Hickson, Edward T. Taylor, William G. Hinds and such other persons as are now shareholders in the said company heretofore incorporated as aforesaid, together with such other persons as shall become shareholders after the passing of this Act, shall be and they are hereby ordained and declared to be a body corporate and politic for the purposes hereinafter mentioned, under the name of the Canadian Engine and Machinery Company, and all the property and estate, real and personal, and the rights, powers and privileges of the said Company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada, shall, immediately on the passing of this Act, become vested in the Company incorporated by this Act, and the Company incorporated by this Act shall become and be liable for all the debts and liabilities of the said Company so incorporated under the said sixty-third chapter of the said Consolidated Statutes as aforesaid.

Powers and
property of
existing com-
pany trans-
ferred.

Objects for
which com-
pany is in-
corporated.

2. The said Company may carry on the manufacture and sale, when so manufactured, of Steam Engines and Boilers, including Railway Locomotive Engines and Boilers and Marine Steam Engines, and also machinery of all kinds, and also Railway Cars, Trucks and Carriages and Rolling Stock of all kinds for Railways, or for Railway or other purposes, and all kinds of Iron Works and the putting of iron constructions together.

3.

3. The following clauses of the Joint Stock Companies' General Clauses Consolidation Act shall be incorporated with and form part of this Act, that is to say : the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth, forty-first.

Certain clauses of Joint Stock Companies' General Clauses Consolidation Act to apply.

4. The Capital of the Company shall be the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the stock of the said Company incorporated under the said chapter sixty-three of the said Consolidated Statutes of Canada shall be taken to be and shall be entered upon the books of the Company incorporated under this Act as stock in the Company incorporated by this Act, and the holders of such stock shall have credit thereon for whatever sums they have paid thereon, and shall only be liable further upon and to the amount still unpaid, at the passing of this Act, upon the said stock by them respectively held in the Company so incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada.

Capital of the company and number of shares.

5. If the said amount of stock be insufficient, the Company, by a vote of a majority of the Stockholders present at any general meeting called for that purpose, may from time to time increase the same, either by admission of new Stockholders, or otherwise, to a total amount of not more than eight hundred thousand dollars, and in such case the new Stock shall be paid in upon such conditions, at such times and places, and in such manner as the Company at such meeting shall have ordained, or in default of express provision to that end, then upon such conditions at such times and places, and in such manner as the Directors thereafter, by by-law or otherwise, shall ordain, and such new Stock shall be in all respects part of the Capital Stock of the Company.

Capital may be increased.

Issue and payment of new stock.

6. All persons who desire to become holders of any share or shares of such new stock may sign the Stock Books which may be opened for that purpose, and such new stockholders shall, in respect of their stock so subscribed, have all the rights and privileges of the original stockholders in the Company.

Subscription of new stock.

7. The first directors of the Company incorporated under this Act shall be Charles John Brydges, Robert Cassels, Joseph Hickson, Edward T. Taylor and William G. Hinds, and they shall hold office until the first general election (to be held under this Act) of Directors, the time and place of holding such meeting to be fixed by a By-law of the said first Directors immediately

First directors.

Their powers.

immediately after the passing of this Act; and until such meeting and such election the said Directors above named shall exercise all the powers given by this Act in the same manner as is provided in case of elected directors, and may proceed with the business of the said Company in like manner; and upon and after the passing of this Act the said Company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada shall cease to exist, and the same and its several rights, powers, privileges and property is and are hereby merged, as in this Act provided, into the Company incorporated by this Act.

Liability of directors to servants of company.

8. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices of the Company for all debts not exceeding six months wages due for services performed to the Company whilst they are such Directors respectively; but no Director shall be liable to an action for recovery of any such debt, unless the Company has been sued for the same within one year after the same became exigible, nor yet unless such Director is sued thereon or therefor within one year thereafter, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable, with costs, against the Directors.

Public Act.

9. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

C A P . X L V I I I .

An Act to incorporate certain persons under the name of "The Montreal Warehousing Company."

[Assented to 18th March, 1865.]

Preamble.

WHEREAS it is desirable that additional facilities be afforded at Montreal for the warehousing of produce and other effects and merchandize; and whereas the persons hereinafter mentioned have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Alexander Molson, Robert Millington, George Varey, Charles Garth, George Watson, George Prowse, W. Macfarlane, James Mavor, and every such person or persons, body and bodies politic and corporate, as shall under the authority of this Act be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the Corporation hereby created, shall be a body politic and corporate by the name of "The Montreal Warehousing Company,"

Corporate name and powers.

Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law or Equity in this Province; and the said Corporation shall have their principal place of business at Montreal aforesaid, but may open such office or offices, at such places, either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

2. The said Company is hereby authorized and empowered, at its own cost and charges, to erect and build sheds, stores and warehouses for the reception and storage of goods, wares and merchandize, free of duty or in bond, or otherwise, together with such tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe-keeping and shipment of merchandize, produce and other effects.

Company may erect warehouses, &c.

3. The said Corporation may, from time to time, purchase and hold such immovable property as may be necessary for carrying on the business of the said Corporation not exceeding twenty-five thousands dollars in annual value, and may sell, lease or otherwise dispose of such property from time to time as they may see fit.

Company may hold real estate.

4. The Corporation may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said Corporation shall be compellable to deliver such goods, and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said Corporation in good faith, to a person in possession of such warehouse receipts, the said Corporation shall be free from all further liability in respect thereof; Provided always, that the said Corporation shall be subject in respect of such goods, and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law of that part of Canada heretofore constituting Lower Canada.

May issue warehouse receipts

Effect of such receipts.

Proviso, company to be subject to laws of L. C. respecting warehouse men.

5. The Corporation may, from time to time, make advances on goods stored in the stores or warehouses of the said Corporation; and may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof; for which advances and commissions the said Corporation shall have a lien upon such goods; But no lien shall attach in favor of the Corporation on any goods, wares and merchandize for

May make advances on goods stored and have a lien on goods for repayment thereof.

Extent and nature of lien to be expressed upon the receipt.

Notice of sale in such cases.

Amount of capital stock.

Proviso, liability of persons to whom stock is allotted.

Proviso.

May pay for real estate in paid up stock.

Forfeiture of shares in certain cases.

Sale of forfeited stock.

for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself; Provided that in the event of the non-payment of such advances when due, the Corporation may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof, as shall be equal to the amount due to the Corporation upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof; But no sale of any goods shall take place under this Act until, or unless ten days' notice of the time and place of such sale has been given by registered letter transmitted through the Post Office, to the owner of such goods prior to the sale thereof.

6. The capital stock of the Company shall be four hundred thousand dollars current money of this Province, in shares of fifty dollars each, and such shares shall be transferable upon the books of the said Company in such manner, and subject to such restrictions, as shall be fixed by the By-laws of the said Company; Provided always, that no person to whom shall be allotted any stock in the said Corporation shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Corporation; and such stock shall be called in and paid, in such instalments and upon such notice as shall be fixed by the By-laws; Provided always, that the said Company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and ten per centum thereon paid in.

7. The Directors shall have power to issue paid-up stock in the said Company, in payment of the price of real estate required for the purposes of this Act; and such paid-up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company, and paid by the holder thereof in full.

8. If any stockholder neglects or refuses to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares, with any amount which shall have previously been paid thereon, and the said shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company; Provided always, that the purchaser shall pay the said Company the amount of the calls due thereon, in addition to the price of the shares so purchased by him immediately after the sale, and before

before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased subject to all future calls thereon; provided also, Proviso. that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for notice of calls, and that the instalments due and the costs incurred in advertising the sale may be received in redemption of any such forfeited shares, at any time before the day appointed for the sale thereof; and provided also, that nothing herein contained shall Proviso. prevent the said Company from proceeding against any defaulter before any Court of Justice having cognizance thereof, to compel the payment of any call or calls in arrear, if they should see fit so to do.

9. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the stockholders present in person, or by proxy, except in any case or cases otherwise provided for by this Act; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said Corporation, and produce written authority as such proxy. Scale of votes and how votes may be given.

10. If, at any future period, the said sum of four hundred thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding one million dollars currency, subscribed either among themselves or by the admission of new stockholders, such new stock being divided into shares of fifty dollars each; provided always, that such increase be decided upon and ordered by a majority of the stockholders in value of the said Company, present in person or by proxy, at a meeting held for the purpose. Increase of capital authorized.

11. Until the election of Directors as hereinafter mentioned, the said Alexander Molson, Robert Millington, George Varey and Charles Garth, shall be the Provisional Directors of the said Company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of Provisional Directors until such first election; and such first election of Directors shall be made at a general meeting of the stockholders of the said Company, to be held for that purpose at the City of Montreal, so soon as one-half of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for special general meetings of stockholders in the said Company and at such meeting five Directors shall be elected to hold office until the first Wednesday in the month of March then Proviso, as to proxies. Provisional Directors. First election of Directors.

**Qualification
of Directors.**

then next following ; and after such first election the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by five Directors, to be annually elected by the stockholders at a meeting of stockholders to be held for that purpose, on the first Wednesday of the said month of March in each year ; notice of which annual meeting shall be given in the manner hereinafter mentioned ; and no person shall be a Director of the said Company, unless he be the proprietor of at least ten shares of stock therein.

**Proceedings
at elections of
Directors.**

12. Such meeting shall be held and such election made by such of the stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy ; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes, at any such election, shall be Directors ; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons, so having an equal number of votes, shall be a Director or Directors, to complete the whole number of five ; and if any vacancy shall at any time happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the then next annual meeting for the election of Directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

**Vacancies
among Direc-
tors.****In case of
failure to
elect Direc-
tors.**

13. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of Directors, in such manner as shall have been regulated by the by-laws of the said Corporation ; and the previous Directors shall, in every case, hold office until the election of their successors.

**Special General
meetings.**

14. Special general meetings of the stockholders may be convened on the requisition of any two Directors, or of a stockholder or stockholders possessing fifty shares of the stock of the said Corporation, and notice of such meeting and of the annual meetings of the said Corporation shall be held to be validly given, if inserted three times as an advertisement in any two newspapers published in the city of Montreal ; the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

15.

15. The Directors for the time being, or the major part of them, shall from time to time, have power to make such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, to wit :

Directors may make by-laws for certain purposes.

For the direction, conduct and government of the said Corporation and of its property, real and personal, and its improvement and regulation throughout the year ;

For the appointment, regulation and removal of the officers, clerks and servants of the said Corporation, and the election and remuneration of the Directors thereof ;

For regulating the mode in which all contracts to be entered into by the said Corporation, of whatever nature, may be entered into and executed on behalf of the said Corporation ;

And finally, for the doing of everything necessary to carry out the provisions of this Act according to their intent and spirit ; Provided always, that such by-laws shall have no force or effect until sanctioned by a majority of stockholders present in person or by proxy at any annual or other general meeting.

Proviso, by-laws must be confirmed.

16. The Directors may elect from among their members a President and Vice-President of the said Corporation, and may appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion may take such security from such officers, managers, clerks or servants, or any of them, as the said Directors may deem necessary.

Appointment of President, officers, &c.

17. The said Corporation shall have power to collect and receive all charges subject to which goods or commodities may come into their possession ; and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect charges to which goods may be subject.

18. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable ; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Corporation, and such statements shall appear on the books, and be open for the perusal of any stockholder upon request, at least one month before the annual meeting of the said Company.

Annual dividends.

Liability of
shareholders
limited.

19. No stockholder in the said Corporation shall be in any manner whatsoever liable for, or charged with the payment of any debt or demand due by the said Corporation, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Corporation.

Certain sec-
tions of Con.
Stat. Can. cap.
92 to apply to
false ware-
house receipts
referred to in
this Act.

20. The sixty-eighth, sixty-ninth and seventieth sections of the Consolidated Statutes of Canada, chapter ninety-two, respecting offences against person and property, shall be applicable and shall be applied to all false warehouse receipts, referred to in this Act; and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by the said sixty-eighth, sixty-ninth and seventieth sections of that Act, or by any of them, in respect of the receipts therein specified.

Company's
lien not to
impair any pre-
existing liens.

21. The right of the Company to any lien shall in no way affect, nor be construed to affect, impair or lessen, any pre-existing pledge, mortgage, lien or sale of any goods in respect of which a privilege may be claimed by the said Company.

Public Act.
Powers given
subject to
future Legis-
lation.

22. This Act shall be deemed a Public Act, and the powers hereby given, and any rights hereby granted, shall be subject to any future legislation passed regulating the business of warehousemen.

C A P . X L I X .

An Act to amend "An Act to incorporate The High School of Quebec," and for other purpose.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an Association was, in the year one thousand eight hundred and forty-two, formed at the City of Quebec, for the purpose of providing classical and commercial instruction for young men and boys, and it was agreed between the persons comprising the said Association that the funds requisite for carrying out their views should be raised by shares of one hundred dollars each; and whereas the said persons have paid on the said shares one half thereof, and no further sums will be required to be paid thereon; and whereas, afterwards, the said Association was incorporated under the name of "The High School of Quebec," by the Act passed in the eighth year of the Reign of Her present Majesty, intituled: *An Act to Incorporate The High School of Quebec*; and whereas, since the passing of the said Act, certain other persons have subscribed certain sums of money for the purpose of providing the said corporation with a suitable building for the purposes thereof: Therefore, Her Majesty, by and with the advice and consent

consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said corporation, known as "The High School of Quebec," shall be composed of, firstly : All the persons who have respectively paid one half of any share of the original stock of the said Association, and who are hereby discharged from any further payment to the said corporation on account of the stock aforesaid ; secondly : Of all persons who shall before the first day of January one thousand eight hundred and sixty-six, have respectively subscribed and paid not less than fifty dollars to the fund for erecting the building aforesaid ; and thirdly : Of all persons who may hereafter be admitted as members of the corporation under the by-laws thereof.

Of whom the Corporation is to be composed.

2. No Member of the said Corporation shall, as such, derive any pecuniary profit or benefit from the funds of the school.

No pecuniary benefit to members.

3. The said corporation shall have power to pass by-laws, rules and regulations, as provided for by the provisions of the first section of the said Act of Incorporation, at any meeting of the corporation, duly called, at which at least one fourth of the members of the said corporation, resident in Quebec, shall be present.

Corporation may pass by-laws.

4. This Act shall be deemed to be a Public Act.

Public Act.

C A P . L .

An Act to amend the Act to incorporate the Education Society of the District of Quebec.

[Assented to 18th March, 1865.]

WHEREAS the Education Society of the District of Quebec, a body politic and corporate, incorporated under and by virtue of an Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, intituled : *An Act to incorporate the Education Society of the District of Quebec*, has by its petition represented that it is necessary that the sixth section of the said Act should be repealed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. From and after the passing of this Act, the sixth section of the said Act shall be and remain repealed.

Section 6 of Act of incorporation repealed.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LI.

An Act to incorporate the Clarenceville Academy.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS certain inhabitants of the Protestant Parish of St. George de Clarenceville, in the County of Missisquoi, have, by their petition, prayed to be incorporated under the name of the "Clarenceville Academy," and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain persons incorporated.

Corporate name and powers.

1. The Reverend Micajah Townsend, Rector of the Parish of St. George de Clarenceville; Amos H. Vaughan, John Hunter, William Chilton, Sylvester Row, John Macfie, Charles Stewart, Asahel Hawley and Daniel Salls, Esquires, and such other persons as shall succeed them in office as Rector for the time being of the said parish in communion with the United Church of England and Ireland, and Trustees of the said Academy, shall be and are hereby constituted a body politic and corporate in deed and in name, under the name of the "Clarenceville Academy" for the purposes of general Education, and shall by that name have perpetual succession, and a common seal, with power to alter, renew or change the same at pleasure; and with power also by the said corporate name to sue and be sued in all Courts of Justice, and shall have power at all times hereafter to purchase, acquire, accept and receive by donation or otherwise, and hold and possess for themselves and their successors, such lands and tenements as may be necessary for the actual use and occupation of the said corporation not exceeding in annual value two thousand dollars, and may sell and alienate the same, and acquire others in their stead, by any title whatsoever, for the uses and purposes aforesaid.

First Trustees appointed.

Their duties, &c.

2. The said Amos H. Vaughan, John Hunter, William Chilton, Sylvester Row, John Macfie, Charles Stewart, Asahel Hawley, Daniel Salls, and the Rector for the time being of the said parish in communion with the United Church of England and Ireland, and their successors in office, shall be Trustees of the said Corporation, and shall have the control, management and government thereof, as well in regard to the employment and payment of competent teachers, and a secretary-treasurer, as the receipt, investment and management of the revenues and property pertaining thereto, and may make such rules and regulations, not contrary to law or to the provisions of this Act, for the government and management of the affairs and property of the said corporation, and for all purposes relating to the well being thereof, and for the proceedings of the said trustees in the performance of their duties, as from time to time may seem

seem to them expedient, and may amend, alter and repeal the said rules and regulations, and substitute others in their stead ; and all proceedings of the said trustees shall be determined by a vote of the majority of the said trustees present at any regular meeting.

3. The Rector of the said Parish, for the time being, in communion with the United Church of England and Ireland, shall be, *ex-officio*, President of the said Trustees, and in addition to his vote as Trustee, shall have the casting vote when the votes are equally divided ; and in the absence of the said Rector, the remaining Trustees may elect one of their number to be President *pro tempore*, who may exercise the same powers as the said Rector while so acting, and five of the said Trustees shall form a quorum for the transaction of the business of the said corporation.

Rector to be
President *ex
officio*.

4. In case of the death, resignation or removal to a distance of ten miles from the said Parish of any of the said Trustees, the vacancy thereby created may be filled by the remaining Trustees from time to time, except such vacancy be occasioned by the death or removal of the said Rector, in which case his place shall only be filled by his successor as Rector of the Parish.

Quorum.
Filling of
vacancies.

5. All the revenues and income of the said Corporation shall be applied exclusively to the support of the said Academy, and the furtherance of education therein, and to the construction, improvement and repairing of the buildings required for the purposes of the said Corporation, in such manner as the Trustees thereof shall consider expedient.

Application
of income.

6. The said Corporation shall at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Return to the
Governor, &c.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . L I I .

An Act to incorporate "The Academy of Music of Montreal."

[Assented to 18th March, 1865.]

WHEREAS Jean Louis Beaudry, and others, by their humble petition, have represented that they have become subscribers to, and have associated themselves for, the purpose of building and maintaining, in the City of Montreal, a public building

Preamble.

building for the encouragement of the fine arts, to be called "The Academy of Music of Montreal," and have prayed that their said association may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Association
incorporated.

Corporate
name and
powers.

Power to hold
real property.

And erect a
suitable building.

Corporation
may issue
stock.

Shares to be
personal property.

Liability of
Shareholders
limited.

1. Jean Louis Beaudry, and such other persons as now are or hereafter shall become members of the said association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of "The Academy of Music of Montreal," and by that name shall have perpetual succession and a common seal, and shall have power, from time to time, to alter, renew or change such common seal, at their pleasure; and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the actual occupation of the said corporation, any lands, tenements and hereditaments and real and immovable property and estate, situate, lying and being within the said city of Montreal, and the same to sell, alienate, and dispose of, whensoever the said corporation may deem it proper so to do; and by the same name shall and may be able and capable to borrow a sum or sums of money, not exceeding in the whole the sum of twenty thousand dollars, from such party or parties, corporation or corporations as may be willing to lend the same, and at such rate of interest and on such terms and conditions as may be agreed upon, for the purpose of erecting a suitable building for the objects and purposes of the said corporation, and for securing the repayment of the sum or sums of money so to be borrowed, to hypothecate the real estate on which such building may be erected, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever.

2. It shall be lawful for the said corporation to issue stock to the extent of fifteen thousand dollars, in shares of ten dollars each, to be subscribed for and paid up in such manner and within such delay as may be determined by the said corporation; the funds arising from such stock to be applied towards the purchase of the real estate on which the building is to be erected, and the erection and furnishing of such building.

3. The shares of the said stock shall be personal property, and shall be transferable on the books of the corporation.

4. No holder of such stock or subscriber thereto, shall be individually or personally liable for the debts of the said corporation, beyond the amount of his unpaid stock.

5. It shall be lawful for the said corporation, at any meeting to be convened for that purpose after the passing of this Act, by advertisement during one week in an English and French newspaper published in the said City of Montreal, to enact such constitution, rules and regulations as they may think fit, touching the management and administration of the property and affairs of the said corporation, including the leasing and selling of seats in the building so to be erected as aforesaid, as may not be inconsistent with the laws of this Province.

Corporation
may enact
By-laws.

6. Until such constitution, rules and regulations are enacted, and proper officers appointed in accordance therewith, the affairs of the said corporation shall be managed by the said Jean Louis Beaudry and William Workman, Thomas Kennedy Ramsay, Strachan Bethune, Edward W. T. Taylor, Henry Starnes, Ludger N. Duvernay, Jules Fournier, Alexander M. Delisle, François P. Pominville, Beniah Gibb, Hon. Maurice Laframboise, Edward M. Hopkins and Henry Thomas, who shall be the directors of the said corporation; of whom the said Jean Louis Beaudry shall be President, William Workman, Treasurer, and Thomas Kennedy Ramsay, Secretary.

Board of
Directors.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. LIII.

An Act to incorporate the Presbyterian College of Montreal.

[Assented to 18th March 1865.]

WHEREAS petitions have been presented on behalf of the Canada Presbyterian Church, setting forth that the said church is desirous of creating an educational establishment in Montreal, in connection with the same, and praying for an Act of Incorporation, and it is expedient to comply with the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. John Redpath, George Rogers, Warden King, the Reverend William Taylor, D. D., the Reverend Alexander F. Kemp, M. A., the Reverend D. H. McVicar, Joseph Mackay, Frederick W. Torrance, James Court, Andrew Robertson, Peter Redpath, William D. McLaren, J. Watson and Alexander McGibbon, all of Montreal; James Ross, the Reverend William B. Clarke, M. A., John Ross and James Hossack, all of Quebec; Charles Benedict and the Reverend Daniel Paterson, M. A., both of Saint Andrews, and the Reverend John Crombie, M. A., of Inverness, and such persons as may, from time to time, be and become members of the Canada Presbyterian Church, within the

Who shall be
members of
the Corpor-
ation.

Corporate
name and
general
powers.

Application
of property.

Proviso :
Real estate
limited.

Proviso :
College may
acquire by
devise, &c.,
on condition
of selling
within a cer-
tain time.

Proviso : as to
investment.

Synod to
declare the
doctrines to
be taught in
the College.

Such declar-
ation to be
irrevocable.

Appointment
of professors,
&c.

the limits of Lower Canada, shall henceforth be a body corporate, under the name of "The Presbyterian College of Montreal," and shall continue to be a body corporate, with perpetual succession, and a common seal, and with the powers vested in corporate bodies by the Interpretation Act, and also with power under the said corporate name, and without license in mortmain to hold and to purchase, acquire, have, take and enjoy, by gift, grant, conveyance, devise, bequest or otherwise to them and their successors any estate or property, real or personal, to and for the use of the said College, in trust for the promotion of theological learning and education of youth for the holy ministry, under the authority and according to the principles and standards of the Canada Presbyterian Church aforesaid, and also with power to let, convey, or otherwise dispose of such real or personal estate, from time to time, as may be deemed expedient, with the written consent of the synod ; Provided always, that such real estate, so held by the said College hereby incorporated, shall be such, and such only, as may be required for the purposes of college buildings and offices, residences for the professors, tutors, students and officers, with gardens or pleasure-grounds pertaining thereto, not exceeding in annual value the sum of fifty thousand dollars ; Provided also, that the said College may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not, within the said period, have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs, or other representatives ; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of the chartered banks or other approved securities for the use of the said College.

2. It shall be lawful for the Synod of the Canada Presbyterian Church, at its next ordinary meeting after the passing of this Act, to declare, by a resolution or a by-law to that effect and record in the register of proceedings of the said Synod, the theological doctrines and principles which shall be taught in the said College, or what are the books and documents in which the said principles and doctrines are contained, and such declaration, so made and recorded, shall be irrevocable in so far as the said College shall be concerned, and shall be held at all times thereafter to contain the theological doctrines and principles to be taught in the said College, and for the propagation of which the property acquired for the said College shall be appropriated, and to no other.

3. And the said Synod of the Canada Presbyterian Church shall have power, at its next or any subsequent meeting, to appoint

appoint and remove professors and tutors in such way and manner as to them shall seem good ; and shall also have power to make rules and by-laws for the government of the said College, and to alter, amend and annul the same and make other rules instead thereof, and also to constitute a senate for the said College, with such powers as they may deem from time to time expedient ; also to constitute a board of management for the financial and other affairs of the said College, not otherwise provided for, in such manner and with such powers and under such conditions as to the said Synod shall from time to time seem expedient ; Provided always, that such by-laws, rules or regulations be not contrary to this Act or repugnant to the laws of this Province.

Making of by-laws.

Constitution of board of management.

Proviso.

4. In case the body of Christians known under the name of the Canada Presbyterian Church, shall at any time or times hereafter, under that or any other name, unite itself with any other body or bodies of Presbyterians adhering to the principles and doctrines mentioned in the declaration to be made according to the second section of this Act, or in the books and documents therein mentioned as containing the said principles and doctrines, or take such other body or bodies of Presbyterians into union with itself, and in case such united body of Presbyterians shall agree to hold and shall hold a Synod once or oftener in each year, according to the manner now in use in the said Canada Presbyterian Church, then and in every such case, this Act shall apply to such united body of Presbyterians, under whatever name they shall have formed such union, and all rights, powers and authorities by this Act vested in the Synod of the Canada Presbyterian Church shall be vested in and apply to the Synod of such united body, under whatever name or designation such united body may be known.

Act to apply to any body of Christians formed by the union of the said Church with any other.

5. In case the said Canada Presbyterian Church, or such united body as aforesaid, shall determine to form itself into two or more Synods, and to form one General Assembly, which shall have supreme jurisdiction in such Church or united body, then all the rights, powers and authorities by this Act vested in the Synod of the Canada Presbyterian Church, or in the Synod of such united body as aforesaid, shall be divested from the said Synod and be applied to and be vested in such General Assembly ; and for the purpose of this Act, such General Assembly or Supreme Court shall thenceforth exclusively exercise all the rights, powers and authorities conferred by this Act on the Synod of the Canada Presbyterian Church.

Powers of Synod to be transferred to General Assembly in a certain case.

6. The said Presbyterian College of Montreal may at any time become affiliated to the University of McGill College upon such terms as the said University and the said Presbyterian College of Montreal may agree upon.

Affiliation with McGill College.

7. This Act shall be deemed a Public Act.

Public Act.

C A P .

CAP. LIV.

An Act to amend the Act of Incorporation of the Church Society of the Diocese of Toronto.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the Church Society of the Diocese of Toronto and the Bishop of the said Diocese have prayed for certain amendments to the Act of Incorporation of the said Church Society passed in the seventh year of Her Majesty's Reign, chaptered sixty-eight, and that the same rights, powers, authorities and privileges that have been conferred upon the Church Society of the Diocese of Huron, and the Incorporated Synod of the Diocese of Ontario, may be conferred upon the Church Society of the Diocese of Toronto; And whereas it would greatly facilitate and promote the purposes for which the said Church Society of the Diocese of Toronto was incorporated if the said Act of Incorporation was so amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Powers of Church Society of Diocese of Huron and of the Synod of the Diocese of Ontario conferred on Church Society of Diocese of Toronto.

1. The Church Society of the Diocese of Toronto shall have, and there is hereby conferred upon the said Church Society, all the rights, powers, authorities and privileges that have been conferred upon or acquired by the Church Society of the Diocese of Huron, and the incorporated Synod of the Diocese of Ontario, by the several Acts of Incorporation of the said last mentioned Church Society and Incorporated Synod; and all the clauses and provisions contained in the said Acts respectively intituled: *An Act to incorporate the Church Society of the Diocese of Huron*, and for other purposes therewith connected, passed in the twenty-second year of Her Majesty's Reign, and *An Act incorporating the Synod of the Diocese of Ontario*, passed in the twenty-fifth year of Her Majesty's Reign, shall be read, taken and applied, as far as the same may be applicable, to the Church Society of the Diocese of Toronto and the Bishop of the said Diocese of Toronto, as if the same had been specially enacted for the said Church Society of the Diocese of Toronto, and whenever in the said Acts the words "Church Society of the Diocese of Huron," or "Incorporated Synod," or "Bishop of the Diocese of Ontario" or "Bishop of the Diocese of Huron" occur, the same shall be read in reference to the Church Society of the Diocese of Toronto, as if the words "Church Society," or "Incorporated Synod" and "Bishop," were "Church Society of the Diocese of Toronto" and "Bishop of the Diocese of Toronto."

Public Act.

2. This Act shall be a Public Act.

CAP.

C A P . L V .

An Act to enable the Trustees of the Wesleyan Methodist Church in Canada more freely to manage and dispose of Trust Properties.

[Assented to 18th March, 1865.]

WHEREAS by the Acttwelfth Victoria, chapter ninety-two, Preamble. intituled : *An Act to enable the Trustees of Churches and Parsonages and other trusts belonging to the Wesleyan Methodist Church in Canada, more conveniently to manage and dispose of their estates, and for other purposes therein mentioned,* power was given to the Trustees of each of the religious congregations of the said Church to lease, mortgage, sell and convey or exchange properties held by them in trust in the manner therein mentioned ; And whereas the said Wesleyan Methodist Church in Canada have, by their petition, represented that they have been advised by counsel that the benefit and operation of the said recited Act is restricted to that part of this Province heretofore the Province of Upper Canada, and to real estate therein situate, and that they are desirous that similar powers should be conferred on Trustees of Churches belonging to their body in reference to immovable property in that part of this Province heretofore the Province of Lower Canada, and that the powers conferred on the said Trustees, as regards properties held in any part of this Province, should be more ample than those conferred by the said recited Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall and may be lawful for the Trustees for the time being of each of the religious congregations of the said Wesleyan Methodist Church in Canada, and the said Trustees of each respective congregation are, as such Trustees, hereby authorized, from time to time, to lease, mortgage, sell and convey or exchange such of the lands and tenements and immovable property held, or to be held by any of the respective Trustees, in such portions and in such manner as, from time to time, may be deemed by the Trustees thereof necessary and useful, for the purposes connected with the particular trust ; and the said Trustees of each such respective congregation are, as such Trustees, hereby further authorized, from time to time, on the purchase of any lands, tenements or immoveable property, to mortgage the same for any part of the purchase money which may not be paid, or to acquire the same, subject to the reservation in favor of the vendor of any mortgage for such unpaid purchase money ; provided always, that it shall not be in the power of such Trustees absolutely to sell any such lands, tenements or immovable property without the express consent

Trustees of W. M. Congregations authorized to sell real estate.

But consent of conference must be first obtained.

of

of the Conference of the said Wesleyan Methodist Church first had and obtained; which consent shall be certified by the President or Secretary of the Conference, with the Conference seal affixed.

Moneys arising from such sales to be held by trustees on the same trusts.

2. Any moneys received by the Trustees in respect of any such lease, sale, mortgage or exchange shall be held by the said Trustees upon the same trust as the properties whence, or in respect whereof the same arose, or may be applied in the purchase of other lands to be held upon similar trusts, or in the erection of buildings on the same or other lands for the purposes of the said Wesleyan Church, or in the improvement of the same or other lands held by such Trustees, or other Trustees of the said Church; and such application to any, either or all of the purposes aforesaid shall, in the case of an absolute sale or conveyance, be made with the consent of the Conference of the said Wesleyan Methodist Church, testified as aforesaid.

How such sales, &c., may be made.

3. Every such sale, exchange, mortgage or lease may be made in that part of this Province formerly Upper Canada, by deed in the form usual there, and in that part of this Province formerly Lower Canada by notarial *acte* in the form usual there, or by indenture before witnesses; and every such *acte*, and deed, may contain such stipulations, provisions, conditions, regulations, terms, agreements and clauses as the parties thereto may desire.

Purchaser not bound to see to the validity of sale or application of purchase money.

4. No purchaser, mortgagee or lessee shall be bound to enquire into the propriety or validity of any sale, mortgage or lease made by the Trustees, or to take notice as to whether it may be affected by the want of such consent as aforesaid; nor shall any purchaser, mortgagee, lessee or other person paying moneys to any such Trustees as aforesaid, by reason of any such sale, exchange, mortgage or lease as aforesaid, be bound to see to the application of such money, but shall be absolutely discharged by the receipt of the Trustees to whom such money shall be payable.

Trustees may acquire lands.

5. The Trustees of the religious congregations aforesaid, may acquire lands for the purposes of their Trust to the same extent as is allowed in Lower Canada by the nineteenth Chapter of the Consolidated Statutes for Lower Canada.

Trusts, how declared.

6. It shall and may be lawful to declare the trusts of any property held by the said Trustees by reference to another deed registered in Upper Canada or Lower Canada, as the case may be; and such reference shall be held to incorporate the provisions of the deed referred to in the deed wherein such reference is made, *mutatis mutandis*, and subject to the exclusion of any clauses that may be expressly excluded.

CAP. LVI.

An Act to incorporate the Upper Canada Free Baptist Missionary Society.

[Assented to 18th March, 1865.]

WHEREAS an Association has been formed in this Province by the name of "The Canada Free Baptist Missionary Society," to extend the preaching of the Gospel in Canada and foreign countries; to assist young men to obtain an education suitable for the Christian Ministry; to promote the publication and diffusion of religious books, tracts and publications, and to aid in the erection of churches and places for public worship in Canada; and whereas the said community, through their Officers, have petitioned to be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Reverend Messrs. William Taylor, Stephen Griffin, H. Blackmarr, Jacob Griffin, Peter Steinhoff, J. Dockry, B. Shaw, Robert Cameron, George Donnocker, and E. C. B. Hallam, and Messrs. William Harvey, John Widner, James M. Kennedy, W. Williams, Alexander Mackintosh, R. Webber, J. H. Bryant, James Harris, J. Harrington, L. H. Perry, and H. Harrington, together with all other persons who shall hereafter become members, are hereby constituted a body politic and corporate under the name of the "Upper Canada Free Baptist Missionary Society," for the purposes above mentioned, and as such may purchase, acquire, take, hold, possess and enjoy all such lands, tenements, possessions and property, whether real or personal, as may be necessary for their actual use and occupation; not exceeding in the case of real estate the annual value of two thousand dollars, and may accept, take and hold for its benefit and use any gifts, donations, legacies and bequests of property or real or personal estate, and may sell, alienate, dispose of and convey the same, and apply the proceeds of such sales to the purposes of the Corporation; Provided always, that no real estate, except that required for the actual use and occupation of the said Corporation, shall be held by it for a longer period than four years, and such real estate not sold and alienated within that period shall revert to the party from whom the same was acquired, his or her heirs or legal representatives.

Certain persons incorporated.

Corporate name and powers.

Proviso: real estate not for occupation must be disposed of within four years.

2. No money, however derived, shall be invested in real estate but such as may be necessary for the use and occupation of the Corporation as aforesaid, but all income, save such portion as shall be necessary for defraying current expenses, shall be for and devoted to the purposes stated in the preamble.

No money to be invested in real estate not in use or occupation.

3. In addition to those who shall become directors for life as hereinafter provided, the affairs of the Corporation shall be managed

Officers and directors.

managed by a Board of Directors, not exceeding eleven in number, who shall be elected annually by and from the members, whether life or ordinary; in manner to be from time to time provided by the By-laws of the said Corporation; but no person shall be eligible for election unless he be a member of some Evangelical Baptist Church.

Power to
make by-laws.

4. The Board of Directors shall have power to make by-laws, rules and regulations, not inconsistent with this Act or with the laws of this Province, for the regulation of their own meetings and for the management of the affairs of the Corporation, and to fix the amount or payment which shall constitute a person an ordinary member, a member for life, or a director for life respectively, and to amend, alter or repeal the same; Provided always, that no by-law, having for its object the payment of money, allowance or remuneration to any member of the said Board of Directors, shall be valid and effectual until sanctioned at the general annual meeting of the members of the Society by the votes of a majority of those then present.

Annual meet-
ing of mem-
bers.

5. The annual meeting of the members of the Corporation shall be held at such place as the Directors may appoint, on some day in the month of June, to be fixed by by-law, at which the Treasurer shall present a report of the state of the funds and submit his accounts for audit; the Directors shall submit a report embracing a brief account of the proceedings of the year, and then the officers for the following year shall be elected, but failure to elect shall not be held to dissolve the Corporation.

Annual returns
to Governor,
&c.

6. The said Corporation shall make annual returns to the Governor and to both branches of the Legislature, shewing the amount and value of the real property held by them, and the revenue derived therefrom; which returns shall be presented within the first twenty days of each Session of the Legislature.

Public Act.

7. This Act shall be deemed a Public Act.

C A P. L V I I .

An Act to authorize the Church Society of the Diocese of Toronto to sell certain Glebe Lots of Land in Darlington, and for other purposes.

[Assented to 18th March, 1865]

Preamble.

WHEREAS the Rector and Churchwardens of St. John's Church, in the Town of Bowmanville and Township of Darlington, have, by petition, set forth that the glebe lots of the said church are now rented for or at an annual rental of only

only about forty pounds; that the said glebe lots are very valuable, and if sold and the money invested, the annual interest would far exceed the amount of the said rental or any sum for which the same could hereafter be rented; that the income of the Rector is so small that it has become imperatively necessary for his support in future that some means should be devised to increase such income, and that the only way of so doing seems to them to be by the sale of the said glebe lots, and by the investment of the consideration money as favorable opportunities may be afforded; that at a special vestry meeting of the pewholders and holders of sittings of the said church, convened for the purpose, and according to law, in the said church, on the twenty-ninth day of November, one thousand eight hundred and sixty-four, a resolution was unanimously passed, that the necessities of the said parish require that steps be immediately taken to render the glebe lots belonging thereto more productive of income, and as the best way to accomplish this will be by sale of the said lots, and the investment of the proceeds of such sale on interest, the Rector and Churchwardens were thereby authorized to apply for an Act empowering and requiring the Church Society of the said Diocese, on the written request of the said Rector and Churchwardens, or their successors, to sell the said lots and to invest the proceeds of such sale; and whereas the said Rector and Churchwardens have, in accordance with the terms of the said resolution, prayed that an Act may be passed for the purposes aforesaid, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Church Society of the Diocese of Toronto shall, and they are hereby authorized to sell and convey absolutely in fee simple, on the written request of the Rector and Churchwardens of St. John's Church, Bowmanville, founded on a vote of a majority of the vestry of the said church then taken accepting an offer for the purchase of the said land for the time being, the glebe lots belonging to the said church situate in the Township of Darlington, County of Durham, being lot number thirty-one in the first concession of Darlington, to any person or persons, bodies politic or corporate, that may be willing and competent to purchase the same.

Toronto Church Society may sell certain glebe lots in Darlington.

2. The moneys raised by such sale shall be invested by the said Church Society in Provincial or County Debentures, as requested in writing by the said Rector and Churchwardens, for income of the said Rector or Incumbent of St. John's Church aforesaid and his successors, and no purchaser shall be liable or obliged to see to the application of any money paid by him upon any sale under the provisions of this Act; Provided always that if any portion of the purchase money is not paid at the time of such sale, it may remain on mortgage on the said glebe

Application of moneys arising from sale.

Proviso.

glebe lands upon such terms and for such time as may be agreed upon between the parties.

Existing rights
saved.

3. This Act shall in no respect affect or interfere with the rights of any party or parties under existing leases of any part of the said land.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . L V I I I .

An Act to incorporate the Saint Thomas Cemetery Company.

[Assented 18th March, 1865.]

Preamble.

WHEREAS John McKay, George Southwick, Archibald McIntyre, Joseph Laing, Benjamin Drake, William Ross, Daniel Black and others, have, by their petition to the Legislature, represented that the Cemetery of which they are lot holders, known as the "Saint Thomas Cemetery," has for many years been organized for Cemetery purposes, under a Deed of Trust made by Benjamin Drake and wife to the Trustees of the said Cemetery, and that they have in contemplation the enlargement of the Cemetery ground; and whereas they have prayed by the said petition, that for the greater efficiency and more simple attainment of the objects of the said Cemetery, they may be invested with corporate powers and by reason of the good effected by the said Cemetery, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said John McKay, George Southwick, Archibald McIntyre, Joseph Laing, Benjamin Drake, William Ross, Daniel Black, and such other persons as now are lot holders by deed from the Officers of the said Cemetery, or such as shall hereafter become lot holders thereof under the provisions of this Act, shall be and they are hereby constituted a body politic and corporate, by the name of "The Saint Thomas Cemetery Company," and by that name shall have perpetual succession and all the powers vested in Corporations generally by the Interpretation Act, and shall have power to purchase, hold, possess and enjoy for themselves such real estate as may be required for Cemetery purposes, not exceeding in all ten acres, and to sell and convey from time to time any part thereof for the purposes of a Cemetery only.

Property held
by Trustees
transferred.

2. All the property, real and personal, now held by the Trustees now in office of the said Cemetery, for the use and benefit of the said Cemetery, shall be and the same is hereby transferred to and vested in the Corporation hereby constituted:

3.

3. It shall be lawful for the said Corporation to make by-laws for the proper administration of the affairs of the Corporation, and to repeal and amend the same from time to time. By-laws.

4. All Deeds signed by the President, Treasurer and Secretary, and sealed with the seal of the Corporation, and none others, shall be held to be Deeds of the Corporation; but the Treasurer of the said Corporation shall receive all moneys payable to the said Corporation and grant valid receipts therefor. Deeds of Corporation.

5. The Directors and lot holders shall not be personally liable for the payment of any judgment obtained against the Corporation except the Treasurer, who shall be liable to pay such judgments, but only out of any moneys of the Corporation received and held by him as such Treasurer. Liability of Directors and lot holders.

6. The affairs of the said Corporation shall be managed by a Board of Directors, consisting of the Trustees appointed or elected before the passing of this Act, by virtue of the Deed of Trust hereinbefore referred to, and of eight Directors, elected in the proportion and at the times and in the manner herein provided, namely, at the annual meeting of the lot holders, held in conformity to the By-laws of the Corporation; and any five of the aforesaid Directors, called together by proper authority, shall constitute a quorum thereof for the dispatch of business. Management of affairs.
Quorum.

7. The Trustees appointed or elected before the passing of this Act, by virtue of the Deed of Trust aforesaid, shall, as Directors, continue to hold their offices as heretofore. Trustees to be Directors.

8. The elected Directors shall be elected for four years. Term of election.

9. Any retiring Director may (with his own consent) be re-elected, and all Directors for the time being shall hold office until their successors are appointed, as by this Act provided. Retiring Directors.

10. The first annual meeting of lot holders for the election of Directors shall be held at the town of Saint Thomas, on the first Tuesday in February, in the year one thousand eight hundred and sixty-six, and annually thereafter on the first Tuesday in February in each year; at the first annual meeting two Directors shall be elected, and at each annual meeting thereafter, two Directors shall be elected. First and subsequent annual meetings.

11. The Board of Directors shall fill up any occasional vacancy in the said Board, and the person so appointed to fill such vacancy, shall hold office as a Director for the unexpired part of the term for which the person causing such vacancy had been elected to serve since the passing of this Act. Vacancies in Board.

Failure to
elect Direc-
tors.

12. If at any time an election of Directors be not held or do not take effect at the proper time, the Corporation shall not be held to be thereby dissolved, but such election may take place at any general meeting of lot holders duly called for that purpose.

Appointment
of officers.

13. It shall be the duty of the Directors to appoint from amongst themselves a President, a Treasurer and a Secretary.

Clauses of
General Ceme-
tery Act incor-
porated.

14. The following clauses of chapter sixty-seven of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Companies for the establishment of Cemeteries in Upper Canada*, namely, the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-fifth, twenty-sixth, twenty-ninth and thirtieth, shall be incorporated with this Act, and the expression "this Act," when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any provisions of this Act.

Report to
Government

15. The said Corporation shall at all times, when required so to do by the Governor or either branch of the Legislature, make a full return of all property, real and personal, held by it, with such details and information as may be by the Governor or either branch of the Legislature demanded.

Public Act.

16. This Act shall be deemed a Public Act.

C A P . L I X .

An Act to incorporate the Montreal Homœopathic Association.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS certain individuals, residents of Montreal, have, by their petition, prayed to be incorporated as a Homœopathic Association, to enable them to establish a dispensary, an hospital, and for other purposes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons
incorporated.

1. James A. Matthewson, James Baylis, G. A. Holland, James Muir, Thomas McGinn, John Wanless, M. D., and F. E. Grafton, and all other persons who may join or replace them for the purposes of this Act, are hereby constituted a body politic and corporate, by the name of "The Montreal Homœopathic Association."

Corporate
name.

Powers.

2. The said Association shall have power to establish in the City of Montreal a Dispensary to give medical advice, medicine and surgical aid to the necessitous poor, in accordance with the principles and practice of Homœopathy.

May establish
a dispensary.

3. The said Corporation shall also have power to establish and maintain, whenever the Association shall so decide, a Homœopathic Hospital in the said City of Montreal, for the reception of persons needing medical or surgical treatment. May establish an hospital.

4. The said Corporation shall also have power to establish a College, and to appoint professors to teach, by regular courses of lectures, the principles and practice of medicine and the *Materia Medica* according to the doctrines of Homœopathy, to such persons as have received or are receiving instruction in all the other requisite branches of a medical education; all such professors must be medical graduates of a British or Provincial University, or medical licentiates of a British or Provincial College or Board legally incorporated; the said College shall be known as the Homœopathic College of Montreal. May provide for teaching Homœopathy.

5. The said College may at any time become affiliated to any Provincial University between which and the said College mutually satisfactory terms may be agreed upon. Affiliation to a Provincial University.

6. The said Corporation shall have power to appoint three persons, who shall be medical graduates of a British or Provincial University, or medical licentiates of a British or Provincial College or Board legally incorporated, to be a Board of Examiners to examine all persons who may desire to obtain a license to practise medicine according to the doctrines and teachings of Homœopathy within the Province of Lower Canada. Board of Examiners.

7. Every person who desires to be examined by the said Board, touching his qualifications to practise physic, surgery and midwifery, or either of them, according to the doctrines and teachings of Homœopathy, shall give at least one month's notice in writing to the Secretary of the Association; and must show that he is not less than twenty-one years of age, that he has followed medical study for not less than four years under the care of one or more duly qualified medical practitioners, and that he has attended at some University or incorporated School of medicine not less than two six-months' courses of Anatomy, Physiology, Surgery, Theory and Practice of Medicine, Chemistry, *Materia Medica* and Therapeutics respectively; and not less than one six months' course of Clinical Medicine, and Medical Jurisprudence respectively, and shall have passed the examination required by such University or incorporated School of Medicine as appropriate to such courses. Notice by persons wishing to be examined; and what it must show.

8. If the Board be satisfied by such examination that the person is duly qualified to practise either or all the said branches of medicine, as they are understood and practised by Homœopaths, they shall certify the same under the hands and seals of two or all of such Board. Certificate to be granted.

License on
such certifi-
cate.

9. The Governor, on the receipt of such certificate, may, if satisfied of the loyalty, integrity, and good morals of the applicant, grant to him a license to practise physic, surgery and midwifery, or either of them, in Lower Canada, conformably to the certificate, and all such licentiates shall be entitled to all the privileges enjoyed by licentiates of medicine under the laws in force in this Province.

May hold real
estate for its
own use and
occupation
only.

10. The said corporation may acquire by any legal title, and may hold any real estate required for its actual use and occupation, and may at any time dispose thereof and acquire other instead thereof; the said corporation may receive donations or bequests of real estate on condition that all not required for actual occupancy, shall be sold within seven years after it shall have come into the possession of the corporation; provided that the whole real property of the said corporation shall not at any time exceed in annual value five thousand dollars.

Bequests to
Corporation.

11. No bequest in favor of the said corporation shall be valid, unless made at least six months before the death of the person making the same.

Management
of the Asso-
ciation.

12. The said corporation shall have power to administer their affairs by such and so many directors and officers, and under such restrictions as may be from time to time ordained by by-law, and they may assign to any such officers such remuneration as they may deem just and requisite, and they may, from time to time, by a majority of votes at any duly called meeting, establish and put into operation such by-laws, ordinary rules and regulations, (the same not being contrary to this Act, or to the laws in force in this Province) as may appear to them necessary or expedient, and may, from time to time, amend or repeal the same; but no by-law or alteration shall ever be made tending to alter the character of the Association as a Homœopathic Institution.

Return to the
Legislature.

13. The said corporation shall at all times, when thereunto required by the Governor or either House of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information as the Governor or either House of the Legislature may require.

Public Act.

14. This Act shall be deemed a Public Act.

CAP. LX.

An Act to incorporate the German Society of Montreal.

[Assented to 18th March, 1865.]

WHEREAS Henry Meyer, Ernest Idler, J. P. Seybold, Gottleib Reinhard, Christian Beck, David Maysenholder, and others, have, by their petition to the Legislature, represented that the society of which they are members, known as the "German Society of Montreal," has for many years been organized for benevolent and other purposes; and as they have prayed by the said petition that for the better attainment of the object of the said Society, it may be invested with corporate powers, and by reason of the good effected by the said Society, it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Henry Meyer, Ernest Idler, J. P. Seybold, Gottleib Reinhard, Christian Beck, David Maysenholder, and such others as now are members of the said Society, or shall hereafter become members thereof under the provisions of this Act, and the by-laws made under the authority thereof, shall be and they are hereby constituted a body politic and corporate, by the name of the "German Society of Montreal," or in German acts and documents, "*Deutsche Gesellschaft*" zu *Montreal*, or *in*, or *von Montreal*, and by that name shall have perpetual succession, and all the powers vested in corporations generally by the Interpretation Act, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said corporation, and to alienate, sell, convey, lease, and otherwise dispose of the same, or any part thereof, from time to time, as the occasion may require, and to acquire others in the stead thereof; provided always that the clear annual income of the real estate held by the Corporation at any one time, shall not exceed two thousand dollars.

Certain persons incorporated.

Corporate name and powers.

2. The affairs and business of the said Corporation shall be managed (as far as the by-laws do not invest such power in the charitable committee, or for pressing cases in the assembly of the office bearers of the Society, or their president) by the duly convoked assembly of the members of the Society.

Management of affairs.

3. The by-law of the said Society, in so far as they are not repugnant to the laws of this Province, shall be the by-laws of the corporation hereby constituted, and until they shall be repealed, altered or amended, the corporation may act in accordance with the provisions of the by-laws, and without prejudice to the acknowledged object of the Society.

By-laws continued.

Officers.

4. Until others shall be elected according to the by-laws of the said Society, the present officers of the Society shall be those of the corporation constituted by this Act.

Execution of deeds.

5. All deeds signed by the president, treasurer, and recording secretary, and sealed with the common seal of the corporation, and none other, shall be held to be deeds of the Corporation.

Corporation may collect subscriptions.

6. All subscriptions of members due to the corporation, and all sums of money due to the same, shall be paid to the treasurer thereof, and his receipts therefor shall be valid, and in default of payment, all moneys due to the corporation may be recovered by action at law, brought in the name of the corporation, in any Court of competent jurisdiction, provided that nothing herein contained shall prevent any member from withdrawing from the said Society after the payment of all arrears, and due notice in writing, having been by such member given of his intention so to withdraw from the said corporation, in accordance with the by-laws of the said society.

Allowances made by corporation not liable to be taken in execution.

7. All allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment; Provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Annual report.

8. The said corporation shall, at all times, when required by the Governor or either branch of the Legislature, make a full return of all property, real and personal, held by it, with such details and information as may be, by the Governor or either branch of the Legislature, demanded.

Public Act

9. This Act shall be deemed a public Act.

C A P. L X I.**An Act to incorporate the Irish Protestant Benevolent Society of Montreal.**

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that for many years past, they, and others of Irish birth or extraction, residents of Montreal, have maintained by voluntary contributions a certain charitable association whereof they are members, for the relief of distressed immigrants and others from Ireland, or of Irish descent, under the name of "The Irish Protestant Benevolent Society of Montreal,"

Montreal," and have prayed, that for the better attainment of the objects of the said Association, the same may be invested with corporate powers, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. James L. Mathewson, William A. Merry, M. H. Gault, Hugh Mathewson, George Horne, George Armstrong, William Rodden, Richard Holland, J. J. Arnton, Campbell Bryson, William Clendinning, George S. Scott, Robert Miller, William Middleton, James Parker, Richard Thomas, W. S. Davenport, Howard Ransom, John Shinnick, Thomas Workman, Wm. McWatters, the Rev. John Corlner, the Rev. John Irwin, Doctor Robert L. Macdonnell, Doctor John Reddy, Doctor William P. Howard and such other persons as are now members of the said Association, or shall hereafter unite with them, under the provisions of this Act, and the by-laws made under authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate by the name of "The Irish Protestant Benevolent Society of Montreal," and may by any legal title acquire, hold and enjoy any estate whatever, real or personal, stocks, debentures or securities and may alienate, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof; Provided always, that the clear annual value of the real estate held by the Corporation at any one time shall not exceed five thousand dollars.

Certain persons incorporated.

Corporate name.

2. The Corporation shall not hold any property except such as shall be derived from the following sources, or purchased with funds derived from the following sources, that is to say : the life, annual and other subscriptions of members, donations, bequests or legacies made to the Corporation, and such other moneys or property as may be acquired by or from the ordinary transactions of the Corporation, or may now belong to the existing association and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; and the society shall have power to prescribe by any by-law, what portion of its funds or property, shall constitute the permanent fund of the Corporation, which shall be held for its permanent use, and what portion shall be applied to the defraying of the current expenses of the Corporation, and the relief of such persons as the Corporation may deem proper objects of such relief, according to their by-laws then in force, and to the provisions of this Act.

Property which may be held by the Corporation.

3. The affairs and business of the Corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees, as by by-laws in that behalf, the Corporation may,

Management of affairs.

may, from time to time, ordain; and the Corporation may assign to any of such officers such remuneration as they deem requisite.

By-laws of Corporation.

4. The Corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the Corporation, and of such Asylum or other charitable institution as they shall maintain; and may repeal or amend the same, from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this Act.

Existing by-laws of Association.

5. The by-laws of the said Association, not being contrary to law, shall be the by-laws of the Corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Present officers.

6. Until others shall be elected according to the by-laws of the Corporation, the present officers of the Association shall be those of the Corporation.

Recovery of subscriptions, penalties, &c.

7. All subscriptions, and all penalties due to the Corporation under any by-law, may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the Corporation, inclusive of his subscription for the year then current.

Competency of witnesses.

8. No person otherwise competent to be a witness in any suit or prosecution in which the Corporation may be engaged shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the Corporation.

Allowances to sick members not to be liable to seizure.

9. All allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment; Provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Report to Legislature.

10. The Corporation shall at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

11. This Act shall be deemed a Public Act.

C A P .

CAP. LXII.

An Act to incorporate "The Orphans' Home of the City of Ottawa,"

[Assented to 18th March, 1865.]

WHEREAS an institution for the relief, support and education of orphans and other destitute children, and the relief and support of destitute widows and for affording temporary refuge for female servants out of place, has been established in the City of Ottawa, by the undermentioned ladies, and they have petitioned that corporate powers may be conferred upon them; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Mesdames Margaret Coffin, Editha P. Bronson, Eliza Hill, Maria Griffin, Tirzah Patrick, Isabella Sewell, Anna J. Eaton, Louise Burritt, Minerva Thorp Bate, and all others who shall, under the provisions of this Act, become members of the said institution, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of "The Orphans' Home of the City of Ottawa." for all, each and every of the purposes mentioned in the Preamble of this Act.

Preamble.

Certain persons incorporated.

Corporate name.

2. The said Corporation may from time to time purchase, acquire and hold any real estate within this Province, necessary for their actual use and occupation, so as the value of the real estate held by it at any one time does not exceed the sum of twenty thousand dollars and may sell, lease or otherwise alienate or dispose of the same; and the said Corporation shall further have the right of appointing an attorney or attorneys for the management of its affairs.

Corporation may hold real estate.

3. The said Corporation shall and may, from time to time, hold assemblies and meetings of the members of the said Corporation, which shall be called together in such manner, and at such times and places, as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporation, and shall and may, at any meeting, elect such persons to be members of the said Corporation as they, or the major part of them present, shall see fit; Provided always, that no act done in any such assembly or meeting of the said Corporation shall be valid or effectual unless six members, at least, shall be present, and the major part of them consenting thereto.

Meetings of the members.

Proviso.

4. The majority of those who shall be present at any of the meetings of the said Corporation, to be held in the manner aforesaid, shall and may make and ordain any by-laws, rules and

Corporation may make by-laws.

and regulations (not being contrary to the laws of this Province or to this Act), as they shall deem useful or necessary for the election of a committee of management, and generally for the conduct or government of the said institution, and the same from time to time abrogate, repeal, change or alter, as may be found expedient, and may also apprentice or bind out to any healthy trade, business or occupation, until the age of eighteen years, any children received and supported by the Corporation.

Property of existing association transferred to Corporation.

5. The estate, real and personal, of the said institution, when this Act goes into force, or then held in trust for it, shall become the property of the Corporation hereby created, and the officers and the managing committee of the said institution shall be and continue to be the officers and managing committee of the said Corporation until others shall be elected in their stead; and the by-laws, rules and regulations of the said institution shall be and continue to be by-laws, rules and regulations of the said Corporation until altered or repealed. .

Annual return.

6. The said Corporation shall render to the Governor and to both Houses of the Provincial Parliament, annually, a return of the affairs of the Corporation, and of the real and personal property held by them, which return shall be presented within the first twenty days of each session of the said Parliament.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L X I I I .

An Act to amend the Act to incorporate *L'Union St. Jacques de Montréal*.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the allowances made to sick members, and to the widows and orphans of deceased members, by the said society, are barely sufficient to provide them with the absolute necessities of life, and it would be unjust to deprive them of such allowances by *saisie-arrest*, either before or after judgment; and whereas the said society has, by its petition, prayed that its Act of incorporation may be amended to that effect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Allowances to sick and disabled members exempt from seizure.

1. All such allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment; Provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Public Act.

2. This Act shall be deemed a public Act.

C A P .

CAP. LXIV.

An Act to incorporate the Society of *L'Union St. Joseph of Three Rivers.*

[Assented to 18th March, 1865.]

WHEREAS an Association under the name of "*L'Union St. Joseph of Three Rivers*," has existed for several months in the City of Three Rivers, having for its object the aid of its members in case of sickness and the ensuring of like assistance and other advantages to the widows and children of deceased members; and whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Ignace Caron, Jean Baptiste Gauthier, Isidore Dugré, Jules Moreau, Antoine Pleau, Pierre C. Dupont, Louis Pothier, Charles Valentine, Philippe Gravel and R. E. Panneton, together with such other persons as now are members of the said institution or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "*L'Union St. Joseph of Three Rivers*," and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Preamble.

Certain persons incorporated.

Corporate name and powers.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

Appropriation of revenues for certain purposes only.

Proviso.

Allowances to sick members exempt from seizure.

2. The rents, revenues and profits of the said Corporation shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, for the erection and repair of the buildings necessary for the purposes of the said Corporation, and the payment of expenses legitimately incurred in carrying out any of the objects above referred to ; Provided also that all allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment ; Provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Property of Association transferred to Corporation.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Corporation to appoint officers.

Their powers.

4. The members of the said Corporation, for the time being or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration ; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor and to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty-days of every Session of the Legislature.

Public Act.

6. This Act shall be a Public Act.

C A P .

C A P. L X V.

An Act to incorporate the Society called "L'Union St. Joseph de St Joseph de Lévis."

[Assented to 18th March, 1865.]

WHEREAS an Association under the name of *Société de l'Union St. Joseph de St. Joseph de Lévis* has existed for one year in the Parish of St. Joseph de Lévis, having for its object the aid of its members in case of sickness, and the ensuring of like assistance, and other advantages to the widows and children of deceased members ; And whereas the members of the said Association have, by their petition, prayed to be incorporated, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Pierre Brunel, Cyrille Girard, F. X. Renault, F. X. Brunelle, Elie Brunelle, François Robitaille, Patrick Fleming, Jean Baptiste Samson, Amable Samson, Charles Couture, Edouard Fontaine, Jean Baptiste Pâquet, Eugène Pâquet, Antoine Gaumont, Pierre Godbout, Henri Pâquet, Phidime Robitaille, Joseph Labarre, Elie Marcotte, Antoine Carbonneau, Prisque Pâquet, Jean Baptiste Noël, Etienne Lecours, Théophile Guilbault, Norbert Bourrassa, Louis Lorencelle, Joseph Bordeleau, François Lacombe, Charles Pâquet, Jean Sirois, Joseph Lémelin, Désiré Lemieux, and Antoine Godbout, together with such other persons as now are members of the said Institution, or may hereafter become members thereof in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *Société de l'Union St. Joseph de St. Joseph de Lévis*, for the purposes aforesaid, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immoveable estate, being and situated in Lower Canada, not exceeding in annual value two thousand dollars, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes ; and any majority whatsoever of the said Corporation for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof ; and the same to amend and repeal from time to time, in whole or in

Certain persons incorporated.

Corporate name and powers.

Amount of real property limited.

Majority to make by-laws.

Further powers of majority.

in part, and also such regulations and by-laws of the said association as may be in force at the time of the passing of this Act ; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Appropriation of revenues for certain purposes only.

2. The rents, revenues and profits of the said Corporation shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Property of Association transferred to corporation.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Corporation to appoint officers.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration ; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Their powers.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor General and to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Allowances to sick members exempt from seizure.

6. No sum of money granted by the said Corporation under its Constitution or any of its By-laws, by way of aid or assistance to any of its members when sick or to any widow or orphan

orphan child of a deceased member, shall be liable to seizure either before or after judgment ; Provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. LXVI.

An Act to amend the Act to incorporate *l'Union St. Joseph de Montréal*.

[Assented to 18th March, 1865.]

WHEREAS the allowances made to sick members, and to the widows and orphans of deceased members, by the said society, are barely sufficient to provide them with the absolute necessities of life, and it would be unjust to deprive them of such allowances by *saisie-arrest*, either before or after judgment ; and whereas the said society has, by its petition, prayed that its Act of incorporation may be amended to that effect : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. All such allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment ; provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Allowances to sick and disabled members exempt from seizure.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LXVII.

An Act to amend the Act to incorporate the "*Société de l'Union St. Pierre de Montréal*."

[Assented to 18th March, 1865.]

WHEREAS the allowances made to sick members and to the widows and orphans of deceased members, by the said society, are barely sufficient to provide them with the absolute necessities of life, and it would be unjust to deprive them of such allowances by *saisie-arrest*, either before or after judgment ; and whereas the said society has, by its petition, prayed

Preamble.

prayed that its Act of incorporation may be amended to that effect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Allowances
to sick mem-
bers, &c.,
exempt from
seizure.

1. All such allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any court of justice in this Province, either before or after judgment; provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXVIII.

An Act to incorporate the Society of "*L'Union St. Roch de Montréal*."

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an Association under the name of *L'Union St. Roch de Montréal* hath been established in the City of Montreal, having for its object the aid of its members in case of sickness and the ensuring of like assistance and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Henri Louis, P. J. Beaudry, Henri Louis, Benoit Bastien, L. V. Blanchard, Jos. Hogue, F. X. Gauthier, Louis Carl, J. Casimir Coursolles, Joseph Gervais, Joseph Gauthier and Charles Racicot, together with such other persons as now are members of the said institution or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *L'Union St. Roch de Montréal*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority

Corporate name and powers.

Amount of real property limited.

majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Majority to
make By-laws.

Further powers
of majority

2. The rents, revenues and profits of the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, for the erection and repair of the buildings necessary for the purposes of the said Corporation, and the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenues for certain purposes only.

3. All allowances made by the said society under its constitution and by-laws, to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any *saisie* issued from any Court of Justice in this Province, either before or after judgment; Provided always, that the foregoing provision shall, in no way, prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.

Allowances to sick members, &c., exempted from seizure.

4. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of Association transferred to corporation.

5. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators

Corporation to appoint officers.

or

Their powers.

or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual report to the Legislature.

6. The said Corporation shall be bound to make annual reports to the Governor and to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

7. This Act shall be a Public Act.

C A P . L X I X .

An Act to incorporate the Society called "*l'Union St. Michel des Saints de Montréal.*"

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an Association under the name of "*l'Union St. Michel des Saints de Montréal,*" has existed for several years in the City of Montreal, having for its object the aid of its members in case of sickness and the ensuring of like assistance, and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Charles Allard, Joseph Beaudoin, Magloire Allard, Charles Vasseur, François Menard, Felix Favreau, Moise Damien, Germain Allard, Olivier Côté, Théophile Foisie, Joseph Foisie, Joseph LeBau, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "*l'Union St. Michel des Saints de Montréal,*" for aiding and assisting its members in cases of sickness and ensuring similar assistance and other advantages to the widows and children of deceased members, and by that name shall have power from time to time, and at any time hereafter to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immoveable estate, being and situated in Lower Canada, necessary for the actual

Corporate name and powers.

Amount of real property limited.

actual use and occupation of the said Corporation, such lands, tenements and hereditaments, real and immovable estate, not to exceed the annual value of two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules; regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also the regulations and by-laws of the said association that may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other Justices and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control; respect being nevertheless had to the regulations; stipulations, provisions and by-laws to be hereafter passed and established.

Majority to
make By-
laws.

Further
powers of
majority.

2. The rents, revenues and profits of the said Corporation shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation
of revenues for
certain pur-
poses only.

3. All real and personal estate at present the property of the said Association or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of
Association
transferred to
corporation.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the

Corporation
to appoint
officers.

Their powers

the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor, and to both Branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Allowances to sick members &c., exempt from seizure.

6. No sum of money granted by the said Corporation, under its Constitution or any of its By-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; Provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

Public Act.

7. This Act shall be deemed a Public Act.

C A P. L X X.

An Act to incorporate the Society called "*L'Union St. Joseph de la Ville de Lévis.*"

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an Association under the name of "*Société de l'Union St. Joseph de la Ville de Lévis,*" has existed and now exists, in the Town of Lévis, in the County of Lévis, and District of Quebec, having for its object the aid of its members in case of sickness, and the ensuring of like assistance, and other advantages, to the widows and children of deceased members; and whereas, the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Joseph Labadie, Michel Barras, François Xavier Demers, Pierre Thompson, Michel Rhéaume, Louis Thompson, Seraphin Marceau, Zéphirin Brousseau and Charles Thompson, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "*L'Union St. Joseph de la Ville de Lévis*" for the purposes aforesaid, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their

Corporate name and powers.

their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also the regulations and by-laws of the said Association that may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

2. The rents, revenues and profits of the said Corporation shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenues for certain purposes only.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of Association transferred to corporation.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other

Corporation to appoint officers.

Their powers.

powers and authorities for the due management and administration of the affairs of the said Corporation as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor and to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Allowances to sick members, &c., exempt from seizure.

6. No sum of money granted by the said Corporation under its constitution or any of its by-laws, by way of aid, or assistance to any of its members when sick, or to any widow or orphan child, of a deceased member, shall be liable to seizure either before or after judgment, provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

Public Act.

7. This Act shall be deemed a Public Act.

C A P. L X X I.

An Act to incorporate the Society called *La Société St. Ignace de Montréal*.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS an Association under the name of "*La Société St. Ignace de Montréal*," has existed for several years in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance, and other advantages to the widows and children of deceased members; and whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. L. C. Garnier, J. O. Pauzé, O. Auger, Daniel Munro, Candide Heney, J. A. Plinguet, J. A. Lapierre, Alexis Dubord, Léon Hurteau, Narcisse Valois, Joseph Levesque, Charles Payette, together with such other persons as now are members of the said association, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "*La Société St. Ignace de Montréal*," for aiding and assisting its members in cases of sickness and providing similar assistance and other advantages to the widows and

Corporate name and powers.

and children of deceased members, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immovable estate, being and situated in Lower Canada necessary for the actual use and occupation of the said Corporation such lands, tenements and hereditaments, real and immovable estate not to exceed the annual value of two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Amount of
real property
limited.

Majority to
make By-
laws.

Further
powers of
majority.

2. The rents, revenues and profits of the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenues for certain purposes only.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation, or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of Association transferred to corporation.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants

Corporation to appoint officers.

Their powers.

servants of the said Corporation as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor and both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Allowances to sick members, &c., exempt from seizure.

6. No sum of money granted by the said Corporation under its constitution or any of its by-laws, by way of aid or assistance to any of its members, when sick or to any widow or orphan child of a deceased member, shall be liable to seizure, either before or after judgment, provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

Public Act.

7. This Act shall be a Public Act.

C A P. L X X I I.

An Act to amend the Act to incorporate the *Association St. François Xavier de Montréal*.

[Assented to 18th March, 1865.]

Preamble.

WHEREAS the President, the Vice-President, and the other officers of the *Association St. François Xavier*, of Montreal, have, by their petition, represented that the object of the said Association cannot be attained unless its Act of incorporation be amended so as to exempt from seizures all sums of money which any of the members of the said Association, their widows or their children, might be entitled to receive by way of aid or relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Allowances to sick members, &c., to be exempt from seizure.

1. All sums of money due, paid or to be paid by the *Association St. François Xavier*, of Montreal, in virtue of its Act of Incorporation, rules or by-laws, to any of its members in time of sickness, or to their widows and orphans, shall be exempt from any description of seizure that may issue from any Court of Justice in this Province; provided always, that such exemption shall not in any way prejudice the rights which

which any creditors of such sick members of the said Association, or of their widows or children, may have to any other sums due by the said Association to such sick members, their widows or their children, for any other consideration.

2. This Act shall be a Public Act, and shall be considered Public Act. as forming part of Chapter ninety-six of the Statutes of 1862.

CAP. LXXIII.

An Act to incorporate the Ottawa Skating and Curling Club.

[Assented to 18th March, 1865.]

WHEREAS Joseph M. Currier, Robert Bell, the Honorable James Skead, Jos. Mooney, Alfred Patrick, and C. H. Carrière, have petitioned for the incorporation of themselves and others as the Ottawa Skating and Curling Club, with power to hold such real estate as may be requisite for the formation of a Skating and Curling Rink in the City of Ottawa, and the erection thereon of suitable buildings over and about the same, and are desirous of being incorporated for such purposes, under the name of the "Ottawa Skating and Curling Club;" and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The aforesaid persons, and all others who shall become shareholders in the Company, shall be and are hereby constituted a body politic and corporate by the name of the "Ottawa Skating and Curling Club," and under the said name may acquire for themselves and their successors, under any legal title whatever, such real estate in the City of Ottawa as they may require for the actual occupation of such Skating and Curling Club, and the Directors thereof for the time being may sell and alienate any real estate held or to be held by the said club, and for such price or prices, and on such terms and conditions as they may see fit, grant valid discharges for such price, and should they see fit, acquire other instead thereof for the purposes of this Act, and the said Directors may borrow money on the hypothecary security of the immovable property of the corporation, for such time, and on such terms, and at such rates of interest, as they shall see fit.

Preamble.

Certain persons incorporated.
Corporate name.

Power to borrow money.

2. The capital of the Company shall be six thousand dollars currency, divided into six hundred shares of ten dollars each, with power to increase the same to twenty-five thousand dollars, such increase to be authorized by a vote of the shareholders at any meeting of the shareholders specially convened for the purpose, or at any meeting in the notice convening which,

Capital Stock

Increase thereof.

which, it shall be stated that it is proposed to increase the capital.

First Directors.

3. Joseph M. Currier, Allan Gilmour, C. T. Bate, Robert Lyon, Alfred Patrick, C. H. Carrière, and William Duck, shall be the Directors of the Company, until a choice of Directors by election of the shareholders shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon.

Subscription of shares.

4. The Directors, or a majority of them, may open a subscription book and receive the subscriptions of persons desirous of becoming shareholders in the Company, and may allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

Shares to be transferable.

5. The shares in the capital of the Company shall be transferable in such manner as shall from time to time be prescribed by the by-laws, but no shares shall be transferable until all the calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non payment of calls.

Appointment and number of Directors.

6. The Company may administer their affairs by any number of Directors, to be elected annually from among the shareholders at their annual meeting, their number and qualification being declared in the by-laws of the Company, and by such other officers, and under such restrictions touching their powers and duties, as by by-law in that behalf they may from time to time ordain, and they may assign to any of such officers such remuneration as they may deem requisite, and such Directors shall always hold office till their successors are elected.

Annual meeting.

7. The annual meeting of the Company shall be held for the transaction of the general business of the Company, and the election of Directors, at such time and place, and under such regulations with regard to notice as the by-laws of the Company shall determine ; and until it shall be so determined, the first annual meeting shall be held on the first Saturday of November, and in case of a vacancy occurring among the Directors by death, resignation or otherwise, at any time previous to the annual meeting, the same shall be filled up for the remainder of the unoccupied term by the Directors, if by them deemed expedient, as may be prescribed by the by-laws of the Company.

Vacancies among Directors.

Calls.

8. The Directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

By-laws for certain purposes.

9. The Corporation may make all such by-laws not contrary to law as they may deem expedient for the government thereof, the

the maintenance and due regulation of their Skating and Curling Rink, and of their grounds and buildings connected therewith, the raising of capital by the issue of transferable shares or otherwise, the conditions under which shares shall be issued and may be transferred or forfeited, the admission to the rink of non-shareholders, and the regulations to which such non-shareholders shall be subject, and the administration of their affairs generally, and may amend and repeal such by-laws from time to time, observing always, however, such formalities of procedure as by such by-laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

10. No shareholder in the Company shall in any manner be liable to, or charged with, the payment of any debt or demand due by the Company, beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company. Liability of shareholders.

11. The Corporation shall at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditures for such period, and with such details and other information as the Governor, or either branch of the Legislature, may require. Annual report.

12. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXIV.

An Act for the relief of the Trustees and Devisees of the late John David Smith and to enable the said Trustees to wind up the Trusts of the Estate.

[Assented to 18th March, 1865.]

WHEREAS Augusta Louisa Smith and John Shuter Smith have, by their petition, represented that John David Smith, late of Port Hope, in Upper Canada, Esquire, deceased, by his last will and testament appointed his wife, the said Augusta Louisa Smith, executrix, and his sons, Elias Peter Smith and John Shuter Smith, executors of his said will and testament and trustees of his estate and effects, and thereby amongst other things devised to his said trustees his residuary estate to be divided as therein directed, and one-third portion thereof to be held by them for the use of his widow during her widowhood, and after her death or marriage to be divided amongst his children by his second marriage, viz., Joseph, Susan, Sarah and Wallis, when his youngest child should attain the age of twenty-one years; that the said testator did further, by a codicil to his said will, devise and declare that his Preamble.

his executors should hold a certain other portion of his said residuary estate as trustees thereof to the use of all of the children of his (the said testator's) son David Smith, begotten or to be begotten, to be equally divided amongst them, and to be conveyed to them as fast as they should attain the age of twenty-one years, as by the said will and codicil, reference being thereunto had, will more fully and at large appear ;

That on the thirtieth day of March, one thousand eight hundred and forty-nine, the said testator departed this life without revoking the said will or codicil, and that the said executors and trustees therein named duly proved the same, and took upon themselves the administration of the said estate ; that the said Elias Peter Smith, one of the said executors and trustees, departed this life on the twenty-sixth day of December, eighteen hundred and sixty ; that the said two portions of the said estate, so directed to be held in trust as aforesaid, still remained in the hands of the petitioners as surviving trustees thereof as aforesaid, under and subject to the trusts of the said will and codicil ;

That all the said testator's children by his said second marriage have attained the age of twenty-one years except the youngest child, Wallis Smith, who on the twenty fourth day of January, Anno Domini one thousand eight hundred and sixty-three, departed this life, four months before he would have attained that age, leaving issue a posthumous daughter born on the twentieth day of August, Anno Domini one thousand eight hundred and sixty-three ;

That before the death of the said Wallis Smith all the parties interested in that portion of the said trust estate so set apart for the said widow and children of the said testator by his second marriage, agreed that the same should be divided and conveyed to and amongst them, according to the intentions of the said testator, as soon as the said Wallis Smith should attain the age of twenty-one years, and that each portion or share thereof should be charged with an annual or other payment or amount for the support of the said widow during her widowhood ; that all the other parties are willing and desirous that such division should be made, but, in consequence of the death of the said Wallis Smith and the infancy of his said posthumous daughter, such division cannot now be legally made without the authority of an Act of Parliament ; that there are five surviving children of the said David Smith, two of whom have attained the age of twenty-one years ; that the said David Smith is now of the age of fifty-five years ; that his youngest surviving child is now of the age of twelve years or thereabouts ; that there is no probability of any further issue of the said David Smith ; that the said children are desirous that the said portion of the said trust estate to which they are entitled should be divided amongst them, but that, in consequence
of

of the possibility of such further issue of the said David Smith, no such last mentioned division can now be made without legislative authority and sanction as aforesaid ; that the larger portion of the said respective properties is unproductive, and in the hands of trustees cannot be employed so profitably for the interests of those beneficially interested as if it was in the hands of the owners themselves, and have prayed that an Act may be passed to enable them, the said surviving trustees, to divide the said two portions of the said trust estate amongst the said children and parties entitled to the same respectively, and to charge that portion thereof so set apart for the said testator's children by his second marriage with an annual amount or payment for the support of his said widow during her widowhood, and to close and wind-up the trusts of the said will ; And whereas, it is expedient to grant the prayer of the said petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Augusta L. Smith and John Shuter Smith may divide that portion of the said estate, set apart and now held by them in trust for the widow of the said testator and his children by his second marriage, amongst such surviving children and the issue of the said Wallis Smith, deceased, share and share alike, and may convey to the said surviving children, Joseph, Susan and Sarah, their several and respective shares thereof in fee simple, and may hold the share of the said infant daughter of the said Wallis Smith as trustees thereof for her use and benefit until she shall attain the age of twenty-one years, and then convey the same to her in fee simple, or may convey the same to other trustees, to be held upon the same trusts, for the benefit of the said infant during her minority ; and may charge each of the said shares with an annual payment or sum not exceeding two hundred and fifty dollars, to be issuing out of the same in quarterly sums or payments not exceeding sixty-two dollars and fifty cents, to be paid to the said Augusta L. Smith for her support during her widowhood ; Provided always, that in making such division, they, the said trustees, shall observe the directions of the said will in respect of any advance that may have been or may be made to any or either of such last-mentioned children or to the said Wallis Smith by the said trustees, under the provisions of the said will, and such division shall be final and conclusive upon all parties concerned or interested therein.

Power to trustees to convey their respective shares to surviving children of testator by his second marriage:

2. The said Augusta L. Smith and John Shuter Smith may also, after repaying any advances by them made for or on account of the same, divide that portion of the estate of the said John David Smith set apart for or acquired and now held in trust for the children of the said David Smith,

And also to convey to the children of David Smith, their shares in the estate of the testator.

Smith, amongst the now surviving children of the said David Smith, share and share alike, and may convey to such of the said last mentioned children as have attained the age of twenty-one years, and their respective heirs and assigns, the share or portion thereof to which such children respectively may be entitled under such division,—and may hold the shares of such of the said children of the said David Smith as have not attained that age, as trustees thereof, for the benefit of such children respectively, until he or she shall attain the age of twenty-one years respectively, and then convey to each of such children so attaining that age his or her respective share in fee simple, or may convey the same to other trustees to be held upon the same trusts for the benefit of such last mentioned children; and such last mentioned division shall in like manner be final and conclusive upon all parties concerned or interested therein.

Certain powers given to trustees as to property remaining in their hands.

3. The said surviving trustees of the said will, and any trustees that may be appointed under the provisions of this Act respectively, may from time to time demise, lease and let all or any part of the said respective trust estate, being or remaining in their hands or under their control as such trustees, and may receive the annual or other rents, issues, profits and increase thereof, and may apply and expend the same, or so much thereof as in their judgment may be necessary, for the maintenance and education of the respective *cestui que* trusts thereof, and may also grant, bargain, sell, transfer, convey and assign the same, or any part thereof, to any purchaser or purchasers, in fee simple, by way of mortgage or otherwise, and take and receive the purchase or other moneys issuing therefrom, and after repaying any moneys advanced by them for the said estate, invest the same either in real estate or other securities as they may consider most advantageous for the interests of the respective *cestui que* trusts thereof, and may in like manner, from time to time in their discretion, alter and vary the nature of the said respective trust estate and the securities in which the same or any part thereof may be invested.

Public Act.

4. This Act shall be a Public Act.

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THIRD SESSION, EIGHTH PARLIAMENT.

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